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THE HOUSE OF COMMONS

1832–1901

A STUDY OF ITS ECONOMIC
AND FUNCTIONAL CHARACTER

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PREFACE

AMONG the vast number of books written about the British Parliament there is not one, as far as I am aware, which seeks to explore the economic and functional character of the House of Commons. It is to remedy this deficiency that the present Essay has been written. It is a piece of pioneering work, and is meant to do no more than indicate the importance of a new line of approach to the study of political institutions.

The suggestion that I should undertake this inquiry was made to me by Mr. H. J. Laski, Professor of Political Science in the London School of Economics, without whose help and advice the work would never have been begun. I also desire to express my gratitude to my chief, Mr. A. H. Dodd, Professor of History in the University College of North Wales, for his helpful criticisms, and for the generous way in which he gave of his time to discussing the many problems raised in the course of the analysis. Lastly, my friend and colleague Mr. Sidney Herbert of the University College of Wales, Aberystwyth, read through the manuscript, and it is due to him that I have been enabled to avoid many a pitfall.

My wife has helped me at every stage of the work, and I hope that she will accept it as recompense for the long and weary hours she sat at the typewriter.

Bangor
May 1938

J. A. THOMAS

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EXPLANATORY NOTE

THE reader is entitled to an explanation of how the statistics given in the course of this Essay were compiled.

Individuals returned to sit as members in the House of Commons were almost invariably men of property. Thus some were coalowners, others landowners, others again were directors of railway companies, &c. It often happened that one member possessed more than one 'interest'. For instance, a landowner might also be the director of a railway company. In compiling the Tables attention was paid *not* to the number of members returned but to the number of 'interests' which those members possessed. Therefore, when a landowner who was also the director of a railway company was returned to the House, it was made to count as the election of two interests to Parliament.

Similarly, when members of the learned professions—journalists, doctors of medicine, teachers, lawyers, &c.—were elected, they were classified as members of their respective groups in the House and not as the representatives of geographical areas.

I

THE HOUSE OF COMMONS: ITS FUNCTIONAL CHARACTER

I

IT is usually assumed by writers upon constitutional matters that the British House of Commons is an institution built upon geographical areas. Within these areas men and women are grouped together for the purpose of choosing their representatives in Parliament, irrespective of trade, occupation, or religious belief; for on election day the favour of the charwoman counts equally with that of the millionaire. Clearly, the intention is to organize individuals as citizens and not, for instance, as Nonconformists and Anglicans, or as capitalists and workmen, for the object of electing the representative assembly. Similarly, the successful candidates returned to the Commons sit in the House as the representatives of a citizen body, and not as delegates returned to voice the grievances or to promote the interests of groups within society.

However, any correct appreciation of the political process necessarily involves a realistic analysis of political institutions. A mere clinging to theories, even though these be hoary with age, does not bring us one step nearer our goal. It may be the intention to set up a political organ which represents men as citizens; in practice the House of Commons is also a body containing members closely connected with the world of Industry, of Commerce, of Finance, and with other spheres of economic activity. When viewed from this standpoint, the Lower Chamber in this country is a body in which property and function are represented.

It is, of course, not suggested that members of Parliament are actuated by consideration of economic interest only. We may, indeed, freely concede that there is more than one spring of human action. Party loyalty, the interests of the locality which he represents, and, no doubt, a genuine concern for the wellbeing of the nation as a whole, all play their part in determining the member's conduct and his attitude towards questions with which he is called upon to deal. Nevertheless, while these motives are generally taken into account both by writers on political problems and in the public utterances of the professional politician, very little attention has hitherto been paid to the part which economic interest plays in shaping the beliefs and desires of the individual member and of the party to which he belongs. Wild charges have, of course, been made. Both the older parties have at one time or another been dubbed the representatives of the capitalist class. The House of Commons itself, in the eyes of the more extreme wing of the socialist movement, is but a decadent, *bourgeois* institution, functioning solely in the interests of a property-owning class.

Such views must fail to carry conviction, for they are not formulated in the light of an adequate knowledge of the House of Commons regarded from the standpoint of economic interest and of social function. It is to remedy this deficiency that the analyses in the following pages are given. Clearly a judgement which is not founded upon a detailed scrutiny of fact is worthless; equally clearly the study of a political institution which omits an examination of one of its vital characteristics is superficial.

For the sake of convenience it is best, first of all, to confine attention to the Parliaments elected during the years 1832 to 1865 inclusive. Afterwards there will follow

a similar analysis of all the Houses elected between the years 1868 and 1901.

During this earlier period nine general elections took place. Broadly speaking the first ten years after passing the Reform Bill in 1832 were years of Whig domination. In the first reformed Parliament the party had an overwhelming majority of 370. In 1835, however, no such rich harvest rewarded its efforts in the country and its majority fell to 112; in 1837 this figure dwindled further to 18. The year 1841 saw the Conservatives successful at the polls, when Sir Robert Peel was returned to office backed by a majority of 76. His triumph was, however, shortlived, for at the next election, held in 1847, the Liberals were again returned to power but with the small and unsatisfactory majority of only 18. They failed to repeat their success at the next election; for in 1852 the Conservative party gained a meagre majority of 20. The last three elections contested proved the vitality of Liberalism. In 1857 and 1859 the Liberals secured majorities of 80 and 50 respectively, and in 1865 their majority was 78.

Table 1 gives the economic composition of the Liberal party returned to the House of Commons at these nine elections; Table 2 the economic composition of the Conservative party which was returned to Parliament during the same period. In Tables 3, 4, and 5, the Liberal-Conservative, Radical, and Repealer groups returned are analysed.

The Liberal-Conservatives made their début in Parliament for the first time in the year 1852. The party was called into being by a schism in the Conservative ranks, and consisted of the followers of Sir Robert Peel.

The Radical party was but a temporary factor in British politics. In 1832 it was a fairly numerous body, but by 1865 it had all but become extinct.

The 'Repealers', or the Irish party, never a powerful body during this period, seems to disappear entirely before 1857. It has but little importance for us and may be dis-

TABLE I

The Whig-Liberal Party

	1832	*1835*	*1837*	*1841*	*1847*	*1852*	*1857*	*1859*	*1865*
Landholders	321	267	208	168	187	168	221	214	195
Army	48	39	33	32	36	27	38	45	42
Navy	11	9	10	12	8	6	6	6	9
Cotton and other textiles	9	7	6	8	8	15	16	14	18
Colliery proprietors	2	2	2	1	1	1	2	2	7
Finance	55	45	33	31	36	36	47	39	116
Railways	4	5	9	6	41	38	62	68	87
Shipping and transport	9	8	7	6	15	14	15	12	17
Metals	8	8	8	5	5	3	11	6	21
Engineering	1	4	4	2	2	4	2	2	7
Manufacturers (misc)	10	11	9	10	7	11	15	9	11
Brewers and distillers	3	5	3	2	..	2	7	6	11
Merchants	27	29	29	31	41	40	42	34	55
East and West India proprietors	36	27	16	9	9	10	9	5	2
Contractors	..	..	..	..	2	2	1	2	2
Lawyers	46	36	38	31	35	57	57	57	58
Newspaper proprietors and editors	4	5	4	4	3	4	4	5	4
Men of letters and academic people	9	5	7	7	12	23	24	39	23
Civil and diplomatic services	1	1	7	5	6	10	7	6	4
Other professions	4	3	..	..	6	6	11	8	11

missed with a Table which shows its broad general character only.

Taken together, these five Tables give a complete picture of the economic and functional character of the House of Commons during the period under review. Perhaps a

few comments may be made on them. The first point of interest which emerges from a study of the figures given is that the House reflected fairly accurately the main trend

TABLE 2

The Tory-Conservative Party

	1832	*1835*	*1837*	*1841*	*1847*	*1852*	*1857*	*1859*	*1865*
Landholders	123	186	259	301	257	251	181	189	199
Army	23	44	44	45	50	61	49	60	62
Navy	9	8	8	14	8	7	3	6	3
Cotton and other textiles	2	2	3	2	2	..	2	2	..
Colliery proprietors	..	1	1	1	..	1	..	..	1
Finance	9	19	28	28	28	25	13	16	40
Railways	1	2	2	7	39	37	30	32	55
Shipping and transport	1	..	2	5	5	7	4	3	14
Metals	..	..	4	7	3	4	2	2	7
Engineering	..	..	..	..	1	1	2	1	3
Manufacturers (misc.)	2	2	5	4	4	1	1	1	1
Brewers and distillers	..	1	3	3	3	2	1	2	6
Merchants	8	11	22	22	14	14	10	15	15
East and West India proprietors	24	24	21	21	13	13	4	5	3
Builders and contractors	..	..	..	..	..	2	1	1	1
Lawyers	8	21	32	36	35	40	32	29	25
Men of letters and academic people	..	5	6	6	12	10	13	9	6
Civil and diplomatic services	..	..	3	4	1	1	3	3	2
Other professions	1	1	3	1	6	6	1	5	3

of the economic development of the country. Thus, in the year 1832, 489 representatives of the landholding interest were returned to Parliament, as against 248 representatives of the industrial, commercial, and financial world. By the year 1865, however, the parts were reversed, Land returning a group 436 strong, while Commerce, Industry, and Finance had 545 seats in the House. Further,

the business world so represented was far more complex in character in 1865 than it was in 1832. Detailed analysis shows that in the year of the Great Reform Bill Finance was 73 strong in the House. The group then contained 55 Banking interests, 13 Assurance interests, 3 stock and

TABLE 3

Liberal-Conservative

	1852	*1857*	*1859*	*1865*
Landholders	19	37	46	42
Army	2	5	9	7
Navy	..	3	3	2
Colliery proprietors	..	..	1	1
Finance	1	2	2	7
Railways	3	4	9	15
Shipping and transport	..	..	1	3
Metals	1	..	1	2
Engineering	..	..	..	1
Manufacturers (misc.)	..	2	1	1
Brewers and distillers	..	1	..	1
Merchants	2	5	2	4
East and West India proprietors	1	5	5	1
Lawyers	3	8	12	8
Men of letters	1	2	3	2
Diplomatic service	..	1	..	..
Other professions	1	3	6	2

bill brokers, and 2 East India Company directors. In 1865 roughly 165 Finance interests were returned to Parliament, the group containing 64 members interested in Banking, 75 Assurance interests, 2 representatives of Trust and Loan Companies, 1 representative of the Water Companies, 4 representatives of Hotel Companies, 1 stock-broker, 4 members interested in Land and Colonization Companies, 3 representing the interests of the Building Companies, 1 representing South Australian Companies, 2 the New Zealand Sheep Investing Companies, 1 Underwriter, 1 East India Company director, 1 member

TABLE 4

The Radicals

	1832	*1835*	*1837*	*1841*	*1847*	*1852*	*1857*	*1859*	*1865*
Landholders .	18	16	13	12	4	4	1	1	..
Army . .	5	4	2	1	1	..	1	..	..
Finance . .	5	7	7	4	2	2	3	3	2
Railways, shipping, and transport .	..	1	..	..	3	..	3	3	4
Metals . .	1	..	..	1	2	1	1	..	..
Manufacturers (misc.) . .	2	3	5	2	1	..	..	..	2
Cotton and other textiles . .	4	5	3	4	4	2	1	1	..
Merchants . .	9	11	9	8	6	4	4	3	1
East and West India proprietors	7	7	6	3	3	1	1	1	..
Lawyers . .	7	6	3	4	6	1	2	3	3
Newspaper proprietors and editors . .	3	3	4	1	2	1	..	..	..
Men of letters .	2	3	2	1	5	1	1	..	..
Other professions	1	..	1	1	2	1	1	1	.

TABLE 5

Repealers

	1832	*1835*	*1837*	*1841*	*1847*	*1852*
Landholders . .	27	20	19	14	16	7
Army. . . .	4	1	2	1	2	1
Finance, industry, and business . . .	6	5	5	5	6	3
Merchants . . .	3	2	2	1	2	3
Lawyers . . .	10	12	7	6	4	1
Men of letters and professional people .	1	..	..	1	1	1

representing the City Offices Companies, 1 the Library Companies, and 2 the Land Companies; while Tea and Coffee Estates Companies returned 2 members.

Of equal interest is the way in which the railways assumed an ever greater importance in the House. Between

1821 and 1836 thirty-seven acts sanctioning the construction of railway lines had been passed. This meant that during a period of fifteen years approximately 860 miles of new track were laid down. Railway development proceeded apace. In 1836 alone Parliament authorized twenty-nine schemes, which involved the construction of some thousand miles of new line.[1] In 1842, 1,857 additional miles of line were opened, and by 1854 the country was covered by a railway system the total length of which was 8,954 miles.[2]

This rapid development of a new means of transport had its effect upon the composition of the House of Commons. Conscious of its growing importance to the economic life of the nation the railway interest sought and gained admission to Parliament. Thus at the election of 1847[3] 86 Railway interests were returned to the House, while the Parliament of 1857 could boast of no less than 98 of these. Two years later, at the election held in 1859, this latter figure was further increased by 13, and in 1865 it would have been possible for Railway members to pass 160 times into the lobbies of the House of Commons.

These detailed analyses of the two elements, Finance and Railways, suffice to make clear the intimate relationship which then existed between the political organ and the economic system. Further, the very great increase in the variety of elements in the Finance group in 1865, as compared with 1832, only goes to show how the change from the personal to the corporate ownership of property which was taking place at this period was reflected in the composition of the Legislative Assembly. Nor, as the analysis

[1] H. G. Lewin, *British Railway Systems*, p. 21.

[2] Cleveland Stevens, *English Railways in their Development and their Relation to the State*, p. 164.

[3] Satisfactory railway statistics are not available for Parliaments elected before 1847.

of the Railway statistics goes to prove, could an industry which during these years was assuming importance be kept for long outside the pale of political influence.

Then again the Tables show that during the whole of this period the grip of the Landed orders upon Parliament was being steadily weakened. As the political influence of Land decreased the power which it once had enjoyed fell into the lap of the 'newer' orders—the commercial, industrial, and financial magnate was fast displacing the country squire. Yet the rate of this displacement must not be exaggerated. Indeed, as the Tables show, there were almost as many landowners in the House in 1865 as there were in 1832—the figures are 489 in 1832 and 436 in 1865. On the other hand, this should not mislead us. It must be borne in mind that the 'newer' interests were increasing with great rapidity during these years, from 248 in 1832 to 545 in 1865. Therefore, clearly, though the absolute decline of Land interests was gradual, by the year 1865 its supremacy in the House of Commons may be said to have definitely disappeared because of the rapid growth in the numbers of the 'new' interests. In 1832 Land accounted for 66 per cent. of the interests in the House and the 'newer' interests 34 per cent. For the House returned in 1865 the percentages were: Land 44 per cent., Industry, Commerce, and Finance 56 per cent. Although it would be wrong to assert that in 1865 Land was a negligible quantity in the House, it had, clearly, already lost the commanding influence which it had enjoyed in 1832. The old economic order was changing giving place to the new, and the changes taking place in the economic system were faithfully reflected in the changing character of the House of Commons.

As has already been said, in the year 1865 only two parties, the Whig-Liberal and the Conservative, could

seriously be regarded as government-forming parties. The Radicals, always weak numerically, had by 1865 dwindled into a negligible quantity. As recent history has tended to prove, the political genius of the British people ever inclines them towards a two-party system. This tendency can be seen at work in the gradual elimination of the Radicals from the political arena. If it be legitimate to draw any inferences at all from the very meagre evidence afforded by Table 4, the Radical party, from the standpoint of economic composition, was merely the Whig-Liberal party on a small scale.

What was true of the Radicals was true also of the Repealers or the Irish party, and of the Liberal-Conservatives. Both proved to be but temporary factors in British politics. The Irish party in its earlier form failed to survive the Parliament elected in 1852, but as long as it did exist as an independent body it was, broadly, a party of landowners with a considerable sprinkling of lawyers.

If the Repealers disappeared after the election of 1852, it was in the House returned that year that the Liberal-Conservatives sat for the first time as a separate party. Its members were the followers of Peel, whose leadership was repudiated by the Conservative party when the Corn Laws were repealed by his Government. It drew its main strength from Land; and although the Conservative party remained divided until the end of our period the Liberal-Unionists, like the Liberal-Conservatives, remained a small offshoot of the parent stem.

A detailed examination of the economic composition of the two large parties in the House reveals the fact that from the beginning of the period covered by this inquiry the Whig-Liberal party was the better fitted to express the point of view of Commerce, Industry, and Finance; and that the Tory-Conservative party was the mouthpiece

of the Landed orders. In 1832 66 per cent. of the economic interests in the Whig-Liberal party were landholding interests, as compared with 34 per cent. commercial and industrial interests. The percentages for the Tory-Conservative party were: landholding interests 72 per cent., commercial and industrial interests 28 per cent. Even in 1832, the Whig-Liberal party attracted a greater percentage of the 'newer' interests than did the Tory party. As Parliaments succeeded each other this tendency became more and more pronounced; so that by the year 1865 the economic difference between the parties was clear cut and definite. An analysis of the Liberal party returned at the polls that year yields the result—65 per cent. of the economic interests which it contained were 'newer' interests; this compares with 42 per cent. in the Conservative party. On the other hand landholding accounted for 58 per cent. of the Conservative party economic interests, as compared with 35 per cent. of the Liberal interests.

Yet while insisting on the essential economic difference between the two parties it must be borne in mind that Industry, Commerce, and Finance was gaining an ever tighter grip upon the Conservative group throughout the period. The headway made may be measured roughly by the difference between the 28 per cent. of 1832 and the 42 per cent. of 1865. Thus, although it is true to say that in the year 1865 landholding was the predominating economic factor controlling the Conservative party and that the Liberal party was, in the main, the party of the 'newer' orders, still, clearly, the former was less pronouncedly a party of landowners than it had been in 1832. In other words, even by the middle of the sixth decade of the nineteenth century the difference between the two parties had begun to disappear.

Another point is perhaps worth mentioning in this

connexion. The Tables show, quite distinctly, that the Liberal attracted more professional people than did the Conservative party. This is markedly so in the case of the legal profession; and it is also true of the other professions which appear in the Tables.

2

From the passing of the Second Reform Bill in 1867 to the year 1901 eight general elections were held and eight new Parliaments sat. The period was mainly one of Conservative Governments—it was not indeed until the election held in 1906 that the Liberal party had completely recovered its prestige.

The first of these Parliaments, however, contained a Liberal majority, for in 1868 the party was returned to office with a majority of 116. But in 1874 the tide turned, and the political pendulum swung a Liberal majority of 116 into a Conservative majority of 98. The year 1880 witnessed a reversal of fortune. Such was the popularity of the veteran Liberal leader, Mr. Gladstone, that, amidst scenes of great enthusiasm in the country, he was returned to power with a majority of 115. By the year 1885 ominous signs of disunion within Liberal ranks—a disunion occasioned by differences of view on the Irish question—could already be detected. In spite of these difficulties Mr. Gladstone managed to retain office, but with a majority which had shrunk from 115 to only 86. The following year, however, yielded a full harvest to the seeds of dissension already sown. Disagreement had now broken out into an open quarrel. Weakened and divided, the Liberals appealed to the country on the Irish question. The appeal fell upon deaf ears: the proposal to keep the Union with Ireland intact won the approval of the electorate, and the Unionists formed an administration with the backing of

a majority of 114. The year of the next general election, 1892, saw a short-lived revival of Liberalism in the country when the party was returned to power with a majority of 40. The recovery, however, was not permanent. The so-called 'cordite vote' led to a dissolution in 1895, and at the election which followed the country again sought solace in Conservatism, the party obtaining the huge majority of 152 at the polls. In the years immediately following another quarrel split the Liberals. The Boer War threatened to be quite as much an apple of discord as the Irish Home Rule question had been previously, and to this threat of disruption from within the unpopularity which some Liberals incurred as alleged pro-Boers must be added. Finally, the Khaki election of 1900 was fought when the war-fever had not yet cooled. It was but natural, therefore, for Conservatism again to sweep the country. The Government succeeded in retaining its power, but with the slightly reduced majority of 134.

The Tables which follow give the composition of the six Parliaments which met during the second period 1868–1901. The House of Commons still contained two government-forming parties, the Liberal party and the Conservative party, but, as during the earlier period, the House was not the sole preserve of the two big organizations. The Liberal-Conservatives, and after 1885 the Liberal-Unionists, still testified to a lack of unity within the bigger parties. This group was indistinguishable from the Conservative party, with which it usually co-operated. It shared with the Conservative party a fall in the number of landowners; like its bigger brother, too, it showed increasing ability to attract the heavy industries into its ranks. On the other hand, it clearly was not a party for professional people. In common with all other parties it, of course, contained a few

lawyers, but when compared with the other minor parties of the period it had remarkably few representatives of the other professions who figure in the Tables.

TABLE I

The Liberal Party

	1868	*1874*	*1880*	*1885*	*1886*	*1892*	*1895*	*1900*
Landholders	197	131	159	92	59	47	31	30
Army	46	23	34	15	4	9	5	10
Navy	6	4	4	5	5	1		..
Cotton and other textiles	21	21	20	17	19	24	16	16
Colliery proprietors	11	11	15	24	17	18	11	13
Finance	121	95	131	106	70	81	49	40
Railways	73	61	62	44	20	24	16	17
Shipping and transport	22	28	35	26	20	24	17	18
Metals	21	17	32	29	20	25	16	14
Engineering	8	10	18	26	19	34	18	20
Manufacturers (misc.)	18	16	29	19	16	17	10	21
Brewers and distillers	7	7	8	7	7	7	3	1
Merchants	61	54	61	47	33	38	26	22
Newspaper proprietors	3	4	11	10	7	10	6	8
Lawyers	67	60	77	57	45	64	47	40
Men of letters and academic people	31	31	40	44	31	36	28	31
Civil and diplomatic services	7	4	4	5	5	2	2	1
Architects and engineers	4	5	2	3	2	1	1	2
Journalists	..	..	8	5	4	10	7	10
Doctors of medicine	6	5	3	5	2	2	1	1
Other professions	8	10	12	15	8	12	9	11
Working men's representatives	..	1	2	8	6	7	7	6

The Radical group presented something of a contrast. A glance at Table 4 will suffice to convince the reader that this party was essentially an organization which held a considerable attraction for the professions. Lawyers, men of letters, and journalists were particularly well represented in it; while working-class members also were attracted to it. Land, on the other hand, was poorly represented, but industrial and commercial interests figure prominently in it. In the main, then, the Radical party was essentially a party

of commercial, industrial, professional, and working-class interests. What was true of the Radicals was, to an even greater degree, true also of the Irish Nationalist party. Law and journalism were very strongly represented in it.

TABLE 2

The Conservative Party

	1868	*1874*	*1880*	*1885*	*1886*	*1892*	*1895*	*1900*
Landholders	185	232	158	102	150	147	147	150
Army	52	72	51	45	51	52	63	70
Navy	4	6	2	5	7	2	5	4
Cotton and other textiles	3	6	6	13	13	8	11	12
Colliery proprietors	1	4	2	5	9	8	7	9
Finance	41	74	77	92	132	123	157	153
Railways	42	55	34	39	48	37	47	53
Shipping and transport	11	14	14	21	32	26	27	25
Metals	2	4	8	11	16	18	21	23
Engineering	3	2	4	6	13	12	17	17
Manufacturers (misc.)	1	4	2	5	11	12	16	18
Brewers and distillers	7	14	7	9	10	10	11	14
Merchants	10	19	14	14	24	15	22	26
Newspaper proprietors	..	..	..	3	4	5	7	6
Lawyers	20	47	31	39	67	59	76	62
Men of letters and academic people	4	11	8	12	21	20	24	25
Civil and diplomatic services	4	5	4	5	7	9	11	11
Architects and engineers	..	1	..	4	5	2	1	3
Journalists	..	..	..	2	3	3	5	9
Doctors of medicine	..	..	1	2	2	..	..	2
Other professions	1	1	1	6	10	13	16	15

Apparently, men of letters and academic people as well as members of other professions such as medicine were wedded to the cause of Irish independence. But unlike the Radicals the Irish party contained comparatively few representatives of the interests of Industry and Commerce. Indeed a glance at Table 5 will show that the merchant interest is the only commercial interest which can be said to have been adequately represented. Further, impersonal property, Finance, was but feebly

TABLE 3

Liberal-Conservatives and Liberal-Unionists

	1868	*1874*	*1880*	*1885*	*1886*	*1892*	*1895*	*1900*
Landholders	34	24	11	2	29	16	19	15
Services (Naval and Military)	9	4	1	..	9	4	6	6
Cotton and other textiles	..	1	1	..	1	2	4	3
Colliery proprietors	..	3	1	..	4	3	6	4
Finance	8	18	6	..	30	29	41	29
Railways	11	12	4	..	8	4	5	4
Shipping and transport	1	2	1	..	6	4	6	8
Metals and engineering	2	6	2	..	13	7	18	12
Manufacturers (misc.)	2	4	1	..	5	2	8	7
Merchants	3	2	1	..	3	7	11	11
Lawyers	9	6	2	..	14	11	17	14
Men of letters and academic people	2	..	..	..	5	4	7	5
Civil and diplomatic services	1	..	..	..	1	..	1	1
Other professions	4	6	2	..	4	5	3	7

TABLE 4

Radicals

	1868	*1874*	*1880*	*1885*	*1886*	*1892*	*1895*	*1900*
Landholders	..	..	1	2	1	4	3	3
Navy	..	..	..	..	..	..	1	..
Cotton and other textiles	1	1	1	..	2	1	..	..
Coal, metals, and engineering	3	1	2	3	4	8	7	5
Railways and shipping	3	1	1	..	2	2	4	5
Finance	3	1	1	2	3	12	6	8
Manufacturers (misc.)	1	1	.	2	..	6	3	2
Merchants	2	2	3	1	3	5	3	2
Newspaper proprietors	1	2	3	3	2	4	1	1
Lawyers	3	1	1	7	5	8	3	4
Men of letters and academic people	1	1	3	2	4	11	7	4
Journalists	..	..	2	2	3	4	1	3
Civil and diplomatic services	..	..	..	1	1	1	2	..
Other professions	..	..	..	1	1	2	1	1
Working men's representatives	..	1	1	5	3	3	2	1

represented in the party, as were heavy industries and transport. On the other hand, the party contained a fair

TABLE 5

Irish Nationalists

	1880	*1885*	*1886*	*1892*	*1895*	*1900*
Landholders	2	5	10	10	9	7
Army	2	1	1	2	1	3
Coal, metals, and engineering	..	2	2	2	1	2
Railways and transport	..	4	4	2	2	4
Finance	..	7	8	6	4	5
Manufacturers (misc.)	..	2	2	2	..	..
Merchants	..	15	17	16	16	20
Brewers and distillers	..	2	1	1	2	2
Newspaper proprietors	..	5	6	11	11	9
Lawyers	2	12	13	16	12	17
Men of letters and academic people	1	8	9	10	14	9
Journalists	1	10	14	11	15	13
Doctors of medicine	..	1	2	4	5	4
Farmers	1	1	5	7	10	12
Other professions	2	7	6	2	2	6
Working men	..	2	2	4	4	2

TABLE 6

Socialists and Labour

	1892	*1895*	*1900*
Working-men miners	1	..	1
Working-men engineers	1	1	1
Journalists	1	..	..
Railway employees	..	..	1

number of landowners, while the interests of the agricultural classes were looked after by a farmer group which tended to grow steadily throughout the period. Thus there was some resemblance between the Irish party and the Radical party. Both parties contained a powerful professional

element, and both, too, had members representing working-class interests. But here the similarity ended. In character and composition the Irish party was much more the party of Land than of Industry. Exactly the reverse is true of the Radical party.

Towards the end of the century the need for an independent representation of the working class was beginning to be felt. It was not until the turn of the century that the Labour party was formed. But, as Table 6 shows, from the year 1892 onwards the House of Commons did contain a sprinkling of members who were avowedly Socialist and Labour.

After this brief review of the minor parties, there remains the twofold task of analysing the character of the House of Commons as a whole, and of comparing the functional character of the two government-forming parties, the composition of which is given in Tables 1 and 2.

The tendency for the newer interests, industrial and commercial, to gain at the expense of Land, in the House, was more and more pronounced as one parliament succeeded another. This tendency was also commented upon in the review of the changes which took place from 1832 to 1867.

In the year 1868, out of a total of 944 economic interests returned to the House of Commons, 416, or 44 per cent., represented Land, while 528, or 56 per cent., represented Commerce and Industry. By the year 1900, however, a remarkable change had taken place. At the Khaki election, out of a total of 894[1] combined landholding and 'newer' interests returned to Parliament, Land accounted for 205, or

[1] Accurate information about the foreign interests of members is unobtainable for the years before 1880, when the *Directory of Directors* was published for the first time. This figure, therefore, does not include such interests.

only 23 per cent., while Commerce and Industry had a total of 689, or 77 per cent. Clearly, then, by the end of the period the 'Industrial Revolution' had wrought no less a change in our economic system than in our political institutions. A constitution firmly riveted to the landed orders —a 'territorial constitution', as Disraeli would have put it— no longer existed in Britain. A nation of shopkeepers, of steel-manufacturers, of colliery-proprietors—in short, a manufacturing nation—was already being governed by those in control of its economic system.

Equally remarkable is the growth in numbers of 'professional people' returned to Parliament during this period. One hundred and seventy-two members were returned to voice the interests of the professions in 1868, but by the year 1900 this number had almost been doubled to a total of 323. Within this group the lawyers figured most prominently. In the House elected in 1868 the legal profession had 99 representatives, or 58 per cent. of the total group of professional people returned. At the elections held in 1900, 137 lawyers were returned, but it is interesting to record that they formed a smaller percentage of the Professional group returned than they did in 1863; indeed, in 1900 the legal profession accounted for only 42 per cent. of the total group. Next in importance to the lawyers rank the men of letters and academic people. Their number also grew rapidly. In 1868 it was 38, but by the year 1900 they had a total of 74 representatives in the House. It is clear, then, that interests other than those of business were rapidly winning political influence during this period.

If the two large political parties now be considered, Tables 1 and 2 show that in 1868 the Liberal party was still mainly the party of the 'newer' orders, while Conservatism still attracted the majority of landowners. In the Parliament elected that year the Liberal party

contained 563 combined landholding, industrial, and commercial interests; of these, 197, or 35 per cent., were Land while 366, or 65 per cent., belonged to the 'newer' interests group. In the same House the Conservative party contained 306 of these interests, and 185, or 60 per cent., were landholding interests as compared with 121, or 40 per cent., commercial and industrial interests.

Thus in 1868 there still remained a marked difference of economic character between the parties. However, as one Parliament succeeded another this difference tended to become less and less. In 1900, out of a group of 220 combined interests in the Liberal party, 30, or only 14 per cent., were landholding interests and 190, or 86 per cent., were industrial and commercial interests. In the same House the Conservative party had a total of 506 combined interests within its ranks; 150, or 30 per cent., of these were landholding and 356, or 70 per cent., were business interests. By 1900, therefore, the 'newer' orders predominated in both parties. It is true, of course, that the greater proportion of landowners returned to the House still belonged to the Conservative party. Nevertheless, by the end of the period it was no longer true that the Conservative party was a landed party as opposed to a Liberal party which was the political organ of the business world. In fact, by the end of the nineteenth century there was no appreciable economic difference between the two great government-forming parties in the House of Commons.

In view of the revived interest in colonial and imperial affairs which was so noteworthy a feature of the last two decades of the century these analyses would be incomplete if they took no account of the Imperial and Foreign interests returned to the national legislature. There is no need to labour the point that the Conservative party has been

always more attracted by the 'imperial idea' than the Liberal party; and perhaps Tables A and B, giving the

TABLE A

Imperial and Foreign Interests—Liberals

	1880	*1885*	*1886*	*1892*	*1895*	*1900*
Canadian interests .	6	5	3	1	2	2
Indian interests . .	2	..	1	3	..	..
Australian interests .	5	4	5	5	3	..
New Zealand interests.	7	7	3	3	3	..
South African interests	..	1	1	1	2	5
United States and South American interests .	20	20	15	17	13	9
Miscellaneous foreign interests. . .	6	2	3	1	1	3

TABLE B

Imperial and Foreign Interests—Conservatives

	1880	*1885*	*1886*	*1892*	*1895*	*1900*
Canadian interests .	4	6	5	6	6	2
Indian interests . .	..	3	5	10	10	10
Australian interests .	3	5	4	9	10	7
New Zealand interests.	1	3	4	6	7	5
South African interests	..	4	5	9	11	13
Other Imperial interests	4	1	1	3	3	2
Near, Middle and Far Eastern interests .	3	1	2	3	6	10
United States and South American interests .	12	13	18	13	14	8
Miscellaneous foreign interests. . .	2	7	5	11	8	8

foreign interests discovered in the two parties, may show why this is so.

A detailed examination of the Liberal party shows that from 1880 to 1900 it contained more interests from outside than inside the Empire, and of these by far the most

important were United States and South American interests. Twenty imperial as compared with twenty-six other foreign interests were returned in 1880; seventeen as compared with twenty-two in 1885; thirteen as compared with eighteen in 1886; thirteen as compared with eighteen in 1892; ten as compared with fourteen in 1895; and seven as compared with twelve in 1900. Throughout these two decades then, imperial interests figured less than those of other foreign countries in the ranks of the Liberal party. The reverse, however, is true of the Conservative party, and especially after 1886. Thus, to the House elected in 1880 there were returned twelve imperial as compared with seventeen 'other' Conservative foreign interests; twenty-two as compared with twenty-one in 1885; twenty-four as compared with twenty-five in 1886. But in 1892 the balance was turned very markedly in favour of the Empire. The Conservative party returned at the general election contained forty-three imperial as compared with twenty-seven 'other' foreign interests; that returned to the House elected in 1895 contained forty-seven imperial and twenty-eight 'other' foreign interests; while the Khaki election of 1900 only confirmed the same tendency, twenty-six 'other' interests only being returned as Conservatives, whereas the party numbered thirty-nine imperial interests within its ranks. These analyses then would seem to suggest that the habit of 'thinking imperially' is a habit which is grounded upon something more enduring and lasting than mere sentiment.

II

THE HOUSE OF COMMONS AND ITS MEMBERS

NOWHERE, perhaps, has the character of the members of the House of Commons been better delineated than in the famous speech addressed by Edmund Burke to the electors of Bristol after they had returned him at the polls in 1774.

'Certainly, gentlemen', he wrote, 'it ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence, and the most unreserved communication with his constituents. Their wishes ought to have great weight with him; their opinion high respect; their business unremitted attention. It is his duty to sacrifice his repose, his pleasures, his satisfactions, to theirs; and above all, ever, and in all cases, to prefer their interest to his own. But, his unbiased opinion, his mature judgement, his enlightened conscience, he ought not to sacrifice to you, to any man, or to any set of men living. These he does not derive from your pleasure; no, nor from the law and the constitution. They are a trust from Providence, for the abuse of which he is deeply answerable. Your representative owes you, not his industry only, but his judgement; and he betrays, instead of serving you, if he sacrifices it to your opinion.

'My worthy colleague says his will ought to be subservient to yours. If that be all, the thing is innocent: if government were a matter of will upon my side, yours, without question, ought to be superior. But government and legislation are matters of reason and judgement, and not of inclination; and what sort of reason is that, in which the determination precedes the discussion; in which one set of men deliberate, and another decide; and where those who form the conclusion are perhaps three hundred miles distant from those who hear the arguments?

'To deliver an opinion, is the right of all men; that of constituents is a weighty and respectable opinion, which a representative ought always to rejoice to hear; and which he ought always most seriously to consider. But authoritative instructions; mandates issued, which the member is bound blindly and implicitly to obey, to vote and to argue for, though contrary to the clearest conviction of his judgement and conscience, —these are things utterly unknown to the laws of the land, and which arise from a fundamental mistake of the whole order and tenour of our constitution.'

Clearly, the pen-picture drawn is one of a representative of those who elect him and not of a delegate responsible to them for his every action. The member who sits in the House ought to enjoy complete and unfettered liberty in the exercise of his private judgement. The matters discussed and decided in the legislative chamber ought to be discussed and decided by men unburdened by the obligation to 'refer back' to their constituents for instructions. The only course which the elector can take with regard to the member returned to represent him is to trust implicitly in his good faith, good conscience, and in the integrity of his intentions.

Coupled with this pen-picture of a member of the Commons is a delineation of the character of the House of Commons itself.

'Parliament', said Burke, 'is not a congress of Ambassadors from different and hostile interests; which interests each must maintain, as an agent, and advocate, against other agents and advocates; but parliament is a deliberative assembly of one nation, with one interest, that of the whole; where, not local purposes, not local prejudices, ought to guide, but the general good, resulting from the general reason of the whole.'

In effect then, the House of Commons is the nation in council. Here are discussed measures dealing with matters

of public policy; here solutions are discovered to the problems which are the concern of a whole nation of people. Such problems ought to be solved, not in any partial spirit with a view to conferring benefits upon this or that particular section of the community, but with an honest desire to do what is best in the interests of the nation as a whole. Just as the member does not sit in the House as one returned to plead the cause of a single interest or of the locality which returns him, so the House as a whole should deal with all matters that come before it from the standpoint of what is best for the whole community. Sectional interests should never be allowed to exert undue influence; 'sinister interest' ought to be rigidly excluded; it is the task of a National Assembly to further and guard the national interest.

Burke, however, as his use of the word 'ought' would seem to suggest, did not wish to imply that either the actual member returned to Parliament, or indeed Parliament itself, conformed to his ideal. Further, is it so certain that men of lesser stature than Burke, men engaged in the rough and tumble of political life, have always acted as though they have accepted that thinker's view of their duties and of the character of Parliament?

The nineteenth century witnessed three successful attempts to reform the House of Commons. Each Bill admitted to political power persons previously excluded from the right to the franchise. Moreover, these measures, taken together, trace a path leading towards the goal of adult suffrage reached at long last in the third decade of the twentieth century. The history of parliamentary reform exemplifies the truth of the law of the inevitability of gradualness as a principle of political evolution. But what is material for the present purpose is that parliamentary debates on the Reform question gave the members of the

Commons three opportunities for discussing the nature of their own duties, and the character of the Assembly in which they sat.

The detailed provisions of the three Reform Bills are immaterial to this analysis. Broadly speaking the Great Reform Bill of 1832 admitted the merchant, the manufacturer, and the industrialist—in short the cotton lords, the iron lords, and the shopkeepers—to a share of political power. That was the avowed object of the Bill. Macaulay's famous panegyric on the middle class and Lord John Russell's indignant rebuttal of the charge that his measure was only the thin end of a wedge, which would ultimately effect a breach wide enough to allow an unruly democracy to contaminate the traditions of English political life and to encompass the ruin of the country, are ample evidence of the intentions of the Whig leaders who successfully piloted the first Reform Bill through an unwilling Parliament. The growth of societies Macaulay compared with the growth of children. Inevitably the time came when it was no longer possible to keep them in their swaddling clothes, or to lull them to sleep in their cradles. That time had already arrived in England, when the franchise ought to be extended to that great stabilizing force in society, the middle class.[1] The Whig leader based his defence of reform upon the examination of a concrete case, showing how, in Leeds, the Bill would confer the vote upon the shopkeepers of the principal streets of the city, and stressing the point that not one in fifty of the working classes of the country would be entitled to the franchise under its provisions.[2] The intention of the Government was obvious. The constitution of the country was defective in the respect that men of property were excluded from the right

[1] *Vide* Hansard, vol. 9, 3rd ser., pp. 378–92.
[2] Ibid., pp. 497–9.

to exercise the franchise. The measure of 1832 was introduced with the avowed intention of remedying that defect.

There is a sense in which the attacks made on the Great Reform Bill by the Tory opposition have stood the test of history. The measure has proved to be no final measure; it was the precursor of two subsequent measures, each of which amended its provisions and extended to other classes the rights which it conferred upon the middle class. To put it briefly, the Conservative Government's Reform Bill of 1867 gave the right to the franchise to the town worker, while the Liberal Bill of 1884 bestowed the vote upon the agricultural and rural classes. As long as anomalies were felt to exist the question of reform was not allowed to remain in abeyance. The year 1832 merely marked the beginning of a movement which, throughout the entire century, continued to grow in strength and which forced itself upon the attention of the statesmen of both parties alike.

Moreover, not one of these three measures was an agreed measure. Discussion raged fiercely both inside and outside the House on the provisions of the Bills of 1832 and 1867, while a vote of 210 against Mr. Gladstone's Bill of 1884 on the second reading testifies to the strength of the resistance to reform within the Commons.

It is to the pages of Hansard that one must turn to know in what light members of Parliament regarded themselves, and in what way they thought of the Institution in which they sat as members. The 'ares' in politics must not be confused with the 'oughts'; and while a thinker like Burke, who was also a man of affairs, tells us how a member ought to think about his task and duty, and what the House of Commons should be, it does not necessarily follow that his opinions either explain the conduct of, or were shared by, other members of the House of Commons. What is

indispensable to the student of political institutions is to know what those entrusted with the task of governing have thought about their job.

The case against the Bill of 1832 was closely and elaborately argued by a powerful and agitated Tory Opposition. The Bill, they alleged, would destroy what measure of social harmony the country then enjoyed. Unlike the Europe of the thirties, England was not disturbed by violent political upheavals, for the reason that in England political power was as yet not divorced from the possession of property. The charge that it sought to lessen the political influence of property was not levelled against the Bill. Still, it did threaten to upset the delicately adjusted balance between different kinds of property, and herein lay its menace to the established order. It penalized land and favoured industry. The Government's intention was to enlarge the political influence of the business man and to undermine the political influence of the landlord. The Bill would thus place industry in a position to dominate the legislature. Employer and workman would soon sink their differences, and would combine to use the State as an instrument to further their own ends. The whole character of English life would, thereby, be changed. This monopoly of political power was conferred upon the industrial classes by those clauses which clearly were designed to exclude both the aristocratic and popular elements from the House. The intention was to destroy the Nomination Borough, which would close the doors of the Commons to the aristocratic principle; while the popular element would be excluded by the proposal to disfranchise the pot-walloper and scot-and-lot voter. Obviously, the measure would convert a monarchical state into an aristocracy of the ten-pound householder.

So far the criticism advanced by the Tory Opposition

had merely implied a view of the function and character of the House. Coupled with this, however, was a frank admission that the Lower Chamber, before the dangerous innovation then proposed by the Government, was by design the depository of all the different interests within the State. Manufacturing interests were given their due weight in the counsels of the House; commercial interests voiced their desires within its walls, and even the Empire itself, through the placemen of an Indian Prince,[1] took part in its deliberations. These were interests which could not be localized. They were now to be denied access to political power. One interest, and one alone, was to count, and that was the interest of the manufacturer and the merchant.

Nor was this the view of only the Tory Opposition. Attention has already been drawn to the fact that, on his own showing, Lord John Russell was quite as much opposed to giving the vote to the people as was the most rabid Tory. Indeed, the theory of human rights was very much at a discount in the England of the thirties. Members ransacked history to show that from the very earliest days the House of Commons had never at any time been an institution representing the people. It was argued that members were returned to Parliament only when the king commanded; and, further, that the communities empowered to return such members were chosen by the king. These facts were adduced to prove that the franchise had always been regarded as a favour conferred upon men, rather than a right which they enjoyed by the grant of nature.

And there was substantial agreement that the popular element should be excluded on both sides of the House; for, like the Tory Opposition, the Whig Government and its supporters were obsessed by the idea that there ought to be a close and intimate connexion between the right to

[1] He was the Nabob of Arcot.

vote and the possession of property. It was willingly conceded on both sides that property was the sure shield of all government; also that it would be dangerous to divorce political power from ownership of property.

Yet it was desirable, argued members who supported Reform, that all kinds of property should have a voice in the control of national affairs. The Bill, they urged, did not discriminate unfairly against the landholding interest, but rather sought to bring the franchise into line with the facts of economic development. The middle class had considerable achievements to its credit and was already an important factor in the economic life of the nation. It had, therefore, the right to expect that its interests should be safeguarded in Parliament. Nor could this be achieved as long as the House of Commons was the preserve of one interest only. The history of England showed that the most significant fact of our constitutional development had been the gradual shifting of the source of political authority from the monarch to an oligarchy which was kept in power by the close borough system. That oligarchy had shown itself tenacious of its own rights, ever intent upon using political power to further its own selfish ends while neglecting the interests of the nation at large when these were at variance with its own. It was to abolish this abuse that the Government had introduced the Reform Bill. Its intention was to break up the oligarchy by giving the vote to men who, while largely partaking of the popular spirit, were not hostile to property, and also to bring voting-power into accord with the distribution of property in the country.

This analysis of the character of the House of Commons by its members in 1832 has the supreme merit of clarity. There was general agreement between all parties that it was an institution rightly dominated by property interests. The House, in short, was a 'Congress of Ambassadors

from different interests'. The argument as developed in the debates would seem to warrant the theory that the art of government consisted in giving to each and every kind of property a share of political power. This done, it was assumed that those returned to represent property would use that power to legislate in favour of the property-owner. But it was of vital importance to secure adequate representation for all property interests; otherwise, as was pointed out, such interests as were excluded from power would also be excluded from the benefits which the State had to confer.

On all sides it was recognized that a finely adjusted balance between different interests was desirable; but while the Tory Opposition urged that the Reform Bill would upset this balance, the Government claimed that it would merely bring the distribution of political power more into accord with the distribution of property in the country. There was, then, no vital difference between the parties in the view of the character of the House of Commons. To both Whig and Tory it was a functional rather than a territorial body; both regarded it as the repository of interests, and as an assembly of men elected to look after those interests.

'If constitutionalists believed no longer in the divine right of kings,' writes Mr. J. R. M. Butler, 'they held most firmly to the divine right of property. Both political parties maintained that any other basis for representation was dangerous and Jacobinical. The "stake in the country" argument was at the height of its power, and was accepted by all but the most pernicious of Radicals.'[1]

It is easy to deduce from this a theory of the function of the members of Parliament. That they must have looked

[1] *The Passing of the Great Reform Bill*, pp. 245–6.

upon themselves as the guardians of those interests which returned them at the polls is indeed obvious. They could not have regarded themselves as charged to promote the good of the community at large unless they held that the national interest was promoted when the State promoted the interests of property. And, indeed, an inescapable impression is conveyed by what was said in the debates that the welfare of the country was regarded as being equal to the sum of the well-being of different interests. The complaint that the oligarchy, kept in power by the close borough system, was pursuing its own selfish interests which were at variance with the wider national interests recurred time and time again from the Government Benches. It was urged that in view of this neglect of national interests it was high time to break up the monopoly of political power enjoyed by the landholding classes, and that this could only be done by admitting interests other than land to a right to make their wishes and desires vocal in the legislature.

Legislation, on this view, is the product of a conflict between opposing economic interests. It was assumed that somehow the solutions which emerged out of this conflict would be solutions best calculated to advance the welfare of the nation at large. Whenever the 'will' of one interest alone was allowed to dominate, the country was faced with the certainty of class rule. The solutions which a class would offer to social problems would be built upon the substance of its own experience, and with all the goodwill in the world it would tend to equate the national interest with its own advantage. All this would seem to follow from the general line of argument advanced by both parties in 1832.

An analysis of the economic character of the House of Commons was given in Chapter I. This discussion of the

views of its members only goes to stress how vital to the correct appreciation of its true nature it is to bear in mind that, whatever theorists and philosophers might have thought and written about it, to those engaged in the actual business of government during the thirties of the nineteenth century the House of Commons was in essence a functional body, the members of which were returned to secure what benefit they could for the interest they represented.

2

It now remains to discover if the views just analysed were held in 1867 and in 1884. In other words, did those who sat in the House of Commons still regard themselves as returned to advocate the cause of special interests; and did they still think of the House as a body in which interests rather than individuals as citizens ought to be represented?

In studying the debates on the Conservative Bill of 1867, one cannot but be struck by the anxiety of Disraeli to combat the idea that his measure implied a recognition of the democratic principle on his part. A democracy, he claimed, was a thoroughly vicious form of government with which his party had not the least sympathy. Nor was a theory of 'natural rights' any more popular in 1867 than it was in 1832. It was not the intention, so it was argued, to widen the franchise on grounds that those to whom the vote had hitherto been denied had any natural right to it; such a view was abhorrent to the Government. But this rejection of the doctrine of 'natural right' did not carry with it a denial of the existence of human rights. On the contrary, it was admitted that men did enjoy liberties, but that these were bestowed upon them by the State and secured for them by law. The liberties and the rights of the individual, therefore, were not antecedent to the State, but rather

were its creatures. Popular agitation had demanded an extension of the franchise; the apathy of the working class had at long last given place to an enthusiasm for yet another Reform Bill, and the Government was prepared to satisfy a popular demand. The need for reform of Parliament was made imperative by the development of the economic and industrial system of England. Further, with the spread of education it was no longer desirable to exclude from political power a new class fitted to play the part of citizens.

But to argue the case for reform was one thing, to produce a Bill extending the franchise was quite another. Upon what principle should the Government proceed? On what grounds should the vote be given to one class in the community and not to another? In what way should those capable of exercising the franchise be selected? The test applied in 1832 was the test of property. It was then the desire and intention of the Government that the franchise should be extended to the property-owning classes.

Apparently, by the year 1867, this conscious design of relating the right to exercise political power to the possession of property was not so evident as it was in 1832. Nevertheless, it soon became clear in the discussions that in 1867, as in the days of the first Reform Bill, the Government was resolved that only men of substance with the traditional 'stake in the country' should enjoy the privilege of voting. The fact that the Prime Minister, in moving the second reading of the Bill, professed that he intended to confer the right to vote upon all who undertook social obligations should not mislead one. When he came to explain what he meant by capacity to shoulder social obligations Disraeli made it perfectly clear that a property test was contemplated by the Bill. His proposal was to grant the right to vote to such as were liable for rates, that is, to

the legal occupiers of a house. It is true that the claim of property to political power was not so blatantly put forward in 1867 as in 1832; yet one cannot escape the feeling that the desire still remained to give the vote only to men with a permanent property interest in the country. And this feeling is heightened by the Prime Minister's tender regard for the more important interests. In debate he was careful to rebut the charge that his Bill would deprive the middle and prosperous classes of the power which they had won in 1832. He emphatically asserted the Government's belief in the need for preserving the power of the property-owning element in the constitution. To vindicate this belief he proposed to extend the franchise to include all paying twenty shillings in direct taxation and to those possessed of property to the value of £50 either in funds or in the Savings Bank.

The details of the Bill need not concern us here; but what must be stressed is the way in which the Prime Minister as well as the members who supported Reform urged that nothing should be done to lessen the political influence of those interests already possessing it. It is clear that the rights of property were still being treated with the utmost consideration. Moreover, it is highly significant that, as in 1832, it was still being assumed that all kinds of property should be represented in Parliament. Therefore, in his defence of the proposal to extend the franchise to those who possessed personal property to the value of £50, the Prime Minister urged that it was the Government's intention to secure the same rights to owners of personal property as were already enjoyed by the real-property freeholder of forty shillings. The theory that all interests should have their representatives in Parliament still held the field.

But if it is possible to detect a similarity between the

case made out for the Bill of 1867 and the Great Reform Bill of 1832, the case against it was grounded entirely upon those fears and beliefs which incited the Tories to attack the Whig measure in 1832. It was then argued that Lord John Russell was proposing to bestow a monopoly of political power upon the middle classes; it was now alleged that Disraeli was giving a similar monopoly to the working classes. Then, the view was advanced that the Whig Bill was a dangerous innovation; it was now held that the Conservative proposal was foreign to the spirit of the constitution. Then, the Government was accused of undermining the political influence of Land; now, the Opposition claimed that the Government was robbing all interests of their political power. The new principle introduced into the constitution in 1832 was now to triumph. The House was no longer to be the repository of all existing interests; 'numbers' and 'numbers' only would from that time on control the destinies of the country. In short, the people had, at last, come to its own. Very naturally it would be led by men drawn from the upper classes in society. But this was no guarantee that the scales would be held evenly between all classes and all interests. Henceforward, whenever the interests of others clashed with the wishes and desires of the people the will of the latter would be bound to prevail, because it was the only will which could be translated into legislation.

Clearly the view that the House of Commons was a functional assembly was still held by its members. The theory that Parliament had always been meant to contain men representing interests and not the electors had not been abandoned. The right of property to a monopoly of political power was still being assumed as it had been assumed thirty-five years earlier; and members of the Opposition were careful to analyse the results which would

follow from what they regarded as the betrayal of property. The democratic principle of mere numbers was laid down in the Bill, so it was alleged, and the attack was turned upon democracy as a form of government. Democratic government, then, was unstable, and was therefore a bar to progress. If the democratic principle was once sanctioned there would be no barrier between the country and universal franchise. The Bill, therefore, would only provoke further agitation on the part of those whom it excluded from the political privilege it accorded to others. Finally, the people, unsatisfied with the House because it reflected the popular will very imperfectly, would soon demand that elections should be held at more frequent intervals. This demand would be conceded in time, and a most unsatisfactory and unstable institution would then have to undertake the task of governing a mighty Empire.

This twofold fear, of democracy and that electoral reform would lessen the influence of property in the State, had largely disappeared from the Liberal party by the year 1884. Indeed, Mr. Gladstone boldly affirmed that he had not the least fear of the democratic principle. It was his belief that every time the electorate had been widened there had been an addition to the strength of the State. In America the free democratic North had triumphed over the slaveholding South, which, according to him, proved that the very strength of the modern State lay in the representative character of its institutions. Nor was Mr. Gladstone playing a lone hand in undertaking the defence of political democracy. Liberal members in the House vied with their leader in holding up to ridicule the fear that to add to the number of voters would involve the country in anarchy and in turmoil. It was pointed out by them that both on the occasion of the Reform Bill of 1832 and also in 1867

these fears had been expressed by the opponents of reform, but that on both occasions they had proved groundless. Indeed, reform of Parliament, far from being a menace to the country, had in the past tended to secure its safety and the welfare of the nation. As proof of this it was shown that within three years of passing Disraeli's Reform Bill an important Bill for national education had been successfully piloted through the House. The Government had every right to expect that other beneficent results would follow from a further extension of the franchise.

Apparently then, by 1884 the older view had been completely abandoned by the Liberal party. This departure from the theory familiar in 1832 and 1867 is both interesting and important; for it is clear that as long as political power was regarded as the perquisite of property a democratic franchise would never be introduced in England. In their criticism of the Bill its opponents had argued that no comparison could be drawn between the agricultural labourer and the urban worker; the latter had gained political experience through his trade union and as a voter in municipal elections, while the former was entirely destitute of any knowledge of political affairs. To this argument a twofold reply was made. It was pointed out in the first place that, even if it be conceded that the agricultural labourer was ignorant, the only way to educate him in public affairs was to give him the vote. Secondly, it was urged that, as the legislature was called upon to deal with rural problems, it was highly desirable that the experience of all rural classes should be made available for the Government.

It would be difficult to make out a better case for a political democracy. No trace of a theory of Social Contract now remained to arouse the ire of the historian. The doctrine of Natural Rights was no longer advanced to

strike fear of revolutions into the hearts of the timid and to confuse political thinking. The franchise ought to be extended because the good of the community as a whole was ensured only when all who were called upon to obey the law were given the opportunity of contributing to it the substance of their experience. Men and classes debarred from political power were also excluded from the benefits which the State had to confer. When the franchise was confined to one class or classes within the State, then, with all the goodwill in the world, the State would be used to further the interests of a class or classes. Whenever political power was the function of ownership the State would so order social and political relationships as to favour property; its wishes and desires alone would be voiced in the legislature. This seems to be the implication of the view advanced by the Liberal party in Parliament in 1884. For as Mr. Chamberlain, then in his Radical days, pointed out, the agricultural labourer had been robbed of his lands, and of his right to common, at the very time when he was being denied the vote.

Nevertheless, it should not be imagined that this view was acceptable to both sides of the House. A reading of the debates serves to show that the political opinions of members of the Conservative Opposition differed but little from the views held by their predecessors in 1832 and 1867. As on those occasions, stress was laid upon the dangerous character of the measure. It threatened, such was the complaint, the stability of the English constitution. The two previous Reform Bills had adequately safeguarded the political rights of property. Both, of course, had robbed property of some of its political rights, but the Government had been careful to make good what one kind of property lost by adding to the political influence of other kinds. It could hardly be denied that many wealthy peers

and merchants had lost influence in the boroughs, but then care had been taken to compensate them for this loss in the counties. No objection, therefore, could be taken either to the Reform Bill of 1832 or to the Bill of 1867. No objection could be raised to either on grounds of principle. Neither contained a threat to existing political institutions; rights of property were adequately safeguarded by both Bills.

But the Bill of 1884, it was argued, paid not the slightest regard to the traditional influence which wealth had always exerted in England. It embodied the principle that the franchise ought to be conferred upon people as a matter of right and, for that reason, could not but have the effect of transferring political power in the counties from the men of solid substance to men with no property interest. The ploughman employed by a lady farming her own estate would now enjoy a vote which was denied to his mistress. In Ireland especially the effect would be deplorable. The Irish landlords would find themselves deprived of their influence in a country which would henceforward be ruled by those disloyal sections who viewed the English connexion with hostility and aversion. Parnell's party in the House of Commons would, of course, be strengthened. Men of both intelligence and property, the Irish capitalists and landlords, were to be betrayed in order to shower political favours upon the Mud Cabin. And this experiment in political democracy was to be made in spite of the bitter experience of other countries. In both France and America a wide franchise existed. It had been proved that government in France was both unstable and sterile; while in America a wide franchise had brought in its train every conceivable kind of corruption, when a political career was valued merely as a source of pecuniary gain.

Although not strictly relevant it is interesting to analyse

the views of these critics of democracy on the effect of the Bill. The debates show that they found it hard to believe that property would tamely submit to a proposal to rob it of its political power. It was feared by them that, once this was done, property, debarred from exercising direct influence in the affairs of the State, would come to exercise a most undesirable indirect influence over public policy. It was alleged that in countries where property had been despoiled, bribery and corruption were rife; and the fear was expressed that if the Bill became law the legislature in England also would be disgraced by similar practices. Even if this fear were not realized it still would remain true that the measure would inflict upon the country a tyranny of a most barefaced character. In former days the right to govern was the monopoly of the aristocracy, but this had not meant the political domination of the country by that class in its own interests. The power of the aristocracy was limited by the fact that physical power still remained with the people. A political democracy, on the other hand, would confide both political and physical power to the same class. It would thus come about that the will of a ruthless majority, strong enough to ignore the interests of the minority, would tyrannize over the country.

This analysis of the movement of opinion on the subject of political reform has, it is hoped, served to show that the House of Commons during the last century was regarded, by the members returned to serve in it, as a functional body. It was the preserve of those returned to represent property and special interests within the State. It stood guard over the rights of property and made vocal its claims. It was best fitted to perform its function when all kinds of property were given an equal right to voice their wishes and desires within it. It was

understood that to confide political power to one kind of property meant giving the right to one class within the State to use public authority for the purpose of conferring benefits upon itself. The debates show that the public good was regarded as the 'good' of all interests; the stability of the constitution was assured only when political power rested on a property basis.

This theory found its most complete expression in 1832, and it should be borne in mind that it was then unhesitatingly accepted on all sides in the House. Although it was not so definitely advanced from the Government benches in 1867, yet the rights of property were dealt with very tenderly, and Disraeli was careful to disclaim any intention to lessen the influence of property in the House. But if the Government did not openly avow its acceptance of the theory, not so the Opposition. As in 1832, so in 1867, the opponents of the franchise reform played the roles of men whose task was to defend proprietary interests. The same role was played by the Opposition in 1884, when combating Mr. Gladstone's measure. Thus throughout the century there persisted a body of opinion within the House which held that a condition of political stability could be achieved in the country only when property was in control of the State.

III

LAW-MAKING OPINION

'To think that because those who wield the power in society wield in the end that of government, therefore it is of no use to attempt to influence the constitution of the government by acting on opinion, is to forget that opinion is itself one of the greatest active social forces. One person with a belief, is a social power equal to ninety-nine who have only interests.'[1]

In a sense the whole history of the nineteenth century in England is a footnote to the history of the Industrial Revolution. The effects of the changes in the technique of industry which it wrought may be briefly summarized by saying that it turned Great Britain from a country primarily agricultural in character into a nation of manufacturers and shopkeepers. In the words of Mr. Cole, it gave its death-blow 'to the aristocratic feudalism of the Eighteenth Century'; it ushered in the machine civilization of the present day. In the social field it wrought a two-fold revolution. For one thing, it brought to the forefront the new manufacturing and trading classes and with them a new kind of property; it thus tended to relegate Land to a position of secondary importance in the State as compared with the factory and warehouse. For another, it served to sharpen the distinction between the owners of property and the propertyless; between 'Haves' and 'Have-nots'. On the one side stood the cotton lords, coal lords, and iron lords, and on the other the machine-tender and factory hand. The old ties of sympathy which had hitherto bound the landlord to the peasantry disappeared;

[1] Mill's *Representative Government*, p. 155 (World's Classics edition, 1912).

the cash nexus became the only link between man and man.

Corresponding to this change in the relationship of social classes there was a change in social thought. The labouring classes flirted with the ideas of Owen. Socialism, Utopian though it was, became the gospel of emancipation from the toils of the Great Industry in which the working classes felt they had been caught. For the first time in England, Socialism was pulled down from the heights of academic speculation to the level of a practical programme of reform designed to cure all social ills.

But more important, because of its effect upon legislation, was that body of social and political theory which grew with the rise to power of the new *bourgeoisie*. The feeling of optimism and of complete satisfaction with things as they were which marked the eighteenth century, and were nowhere, perhaps, better illustrated than in Blackstone's panegyric of the English constitution,[1] was bitter mockery in the ears of the new middle class which was being denied access to the seat of authority in the name of privilege. The bulwark of 'the Liberty of Britain' to Blackstone was, to the new men of Industry and Commerce, the bulwark of privilege. The English constitution in their eyes merely confirmed in power a class which misused it to confer benefits upon itself. The first objective of the 'newer orders' was the citadel of political power. The vote was indispensable, for without it the merchants and captains of industry could not hope to effect that change in state policy which would safeguard and protect their interests.

The Industrial Revolution had served to throw into bold relief the conflict between the interests of 'Land' and the 'Great Industry'. It also made clear the inadequacy

[1] *Vide* Dicey, *Law and Opinion*, p. 71.

of existing political institutions and policies to cope with the changing needs of the times. The invention of the machine and the application of power to the machine had brought to the forefront new problems which clamoured for solution.

Adam Smith, who gave voice to the aspirations of the rising industrial leaders, taught men to regard the world as one vast workshop—a workshop divided into different national departments which ought to co-operate and not compete with each other. The greatest measure of human welfare was secured in a world of free trade, where States did not interfere with this 'natural economic order'. On the lower plane of purely selfish considerations the same argument applied. The greater the number of trade restrictions the less trade, and less trade meant lower profits. Freedom of trade, then, naturally became the goal of the manufacturer and merchant. But this goal was hard to reach. Trade and commerce were in the grip of the past. Everywhere there were import duties and export duties retarding the growth of the New Industry and robbing the New Capitalism of its legitimate gains. Tariffs starved the manufacturer of raw materials; trade restrictions contracted his market. He had no cause, as yet, to fear the competition of the foreigner. The possession of machinery and steam-power had given him a monopoly denied to others. If only restrictions on trade could be removed vistas of unlimited wealth would be opened up for him. Indeed, his position was serious enough. Even in 1842, when Mr. Gladstone turned his attention to reforming the tariff, he found that imposts were levied upon 1,200 articles.[1]

Equally critical of the old order was the Utilitarian philosophy of Bentham and his school. Its merits con-

[1] Morley's *Life of Gladstone*, vol. i, p. 188.

sisted in the fact that it voiced the deepest aspirations of the newly arisen mercantile and manufacturing classes. It subjected the old political and economic system to a merciless criticism; it exposed pitilessly the defects of the 'matchless constitution'; it clamoured for a reform in the law and of legal procedure, and laid bare the aristocratic and oligarchic nature of the British Government. Perhaps the greatest contribution of Utilitarianism lay in the fact that it provided those discontented with the existing political system with both a measure with which to evaluate institutions and a programme of reform. The principle of utility, such was the formula. Would you know whether a law is good or bad, right or wrong? If so, apply the test of utility. Does that law promote the greatest happiness of the greatest number? Would you know whether an institution has outlived its purpose or not? Again apply the principle of utility. Does it secure the greatest degree of well-being for society? Utility was the test applied to discover the worth of both laws and institutions.

It has been argued that 'the principle of Utility is valuable not as a creative but as a critical principle'.[1] It has been aptly put that 'however fully convinced that he ought to aim at the greatest happiness of the greatest number, the legislator cannot advance a step without knowing wherein consists their happiness, and this knowledge he cannot obtain without a mature study of human nature generally and of the character of his own people in particular'.[2] But however inadequate in theory the principle of utility may be (what indeed is happiness?), its value as a working formula cannot well be denied. While we may grant that happiness may be one thing to

[1] T. C. Montague, Introduction to *A Fragment on Government*, by Jeremy Bentham, p. 43. [2] Ibid.

one individual and another thing to another, still, as Professor Dicey points out, 'as regards the conditions of public prosperity the citizens of civilized states have, in modern times, reached a large amount of agreement'.[1] Further, there is nothing in Benthamite theory which obliges us to regard all men as desiring the same thing. Bentham, indeed, would allow that men's conception of happiness may differ, and that the 'principle of utility is conditioned by the ideas of human welfare which prevail at a given time in a given country'.[2]

But even if it be admitted that the Utilitarian creed was weak on its creative side, this does not lessen its importance as a body of opinion which profoundly changed the course of English legislation. At the lowest it provided men with a stick with which to belabour the evils of the age. Even if it only served to rid English law of its obscurantism, to reform legal procedure, to make justice more accessible to the poor, and to mitigate the barbarities of punishment for crime, it would have claim upon our regard.

Utilitarianism achieved all this. It also achieved more than this, and here we touch upon the creative side of the doctrine. It laid bare (and of course over-simplified) the motives which explain human conduct; it also made the individual the arbiter of his own destinies.

'Nature', wrote Bentham, 'has placed man under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we say, in all we think: every effort we make to throw off our subjection, will serve but to demonstrate and confirm it.'[3]

[1] Dicey, *Law and Opinion in England*, p. 140. [2] Ibid., p. 139.
[3] Bentham's *Introduction to the Principles of Morals and Legislation*.

This was one half of the theory. The individual sought his own pleasure: this indeed was what explained his conduct and coloured his activities. But one further problem remained. Nowhere was man found in isolation; everywhere he was a member of a political community and of a social group. How, therefore, could we be certain that the 'pleasures' of the individual were not in conflict with the social good? Somehow the happiness of the individual must be reconciled with the happiness of the social group to which he belonged. At this point we touch upon the serious limitations of Bentham as a social thinker. Obsessed by the mechanical concepts of the age in which he lived, he regarded society as equal to the sum of its parts.

Very different is the view of Edmund Burke expressed in the words

'. . . but the state ought not to be considered nothing better than a partnership agreement in a trade of pepper and coffee, calico or tobacco, or some other such low concern, to be taken up for a little temporary interest, and to be dissolved by the fancy of the parties. It is to be looked on with other reverence; because it is not a partnership in things subservient only to the gross animal existence of a temporary and perishable nature. It is a partnership in all science; a partnership in all art; a partnership in every virtue, and in all perfection. As the ends of such a partnership cannot be obtained in many generations, it becomes a partnership not only between those who are living, but between those who are living, those who are dead, and those who are to be born.'[1]

Bentham lacked Burke's historical approach to social theory. He was too much concerned with immediate social problems to take heed of the lessons of history. The organic nature of society thus escaped him; to him

[1] *Reflections on the French Revolution*, pp. 105–6 (World's Classics edition, 1906, vol. iv).

it was just a mechanism. The happiness of society as a whole was for him a mere summation of the happiness of the separate individuals who composed that society.

But one further question remains. Under what conditions is it tolerably certain that the individual can achieve happiness? Is there need of some teacher to show men wherein their happiness consists? Can the individual be made to pursue his own interests, his own pleasure, by a power extraneous to himself? Or, to put the question in terms of politics, can the individual be made happy by the intervention of the State? To this question Bentham would have returned a negative answer. The individual was best able to judge what for him was 'pleasure' and what was 'pain'. Thus the main task of government should be to enlarge, as much as possible, the area of individual initiative. Hence there follows the paradox that the government which governed best was the government which governed least; meaning by government the direct and positive interference on the part of the State in the affairs of the citizen.

The function of the State, upon this view, was very largely negative in character. It needs no demonstration that society cannot exist without being secured from attack both from the outside on the part of a foreign foe and from the inside on the part of anti-social elements. No Benthamite, therefore, would urge that the State had no function to perform. Nevertheless, the theory of Utilitarianism, logically interpreted, would seem to warrant the view that, apart from keeping a navy on the high seas, an army ready to take the field against a foreign foe, and lastly a policeman on the street corner, the State ought not to meddle with a view to ordering the life of the individual.

However, if the State ought to refrain from interfering

in the affairs of the citizen Bentham and his followers were agreed that it was its duty to secure for the individual conditions which would enable him to pursue his advantage with the minimum of hindrance. Professor Dicey, in that work in which he has traced the connexion between law and opinion during the last century, has shown how, during the forty years 1830–70, Benthamite theory influenced legislation. He has shown how the principles of Utilitarianism were embodied in the humanitarian legislation of these years; how between the years 1827 and 1861 the number of crimes punishable by death were gradually reduced until 'in effect capital punishment has been limited to cases of murder';[1] further, how during these years there was evolved something like 'a complete code for the protection of lunatics';[2] also how laws were passed 'for the prevention of cruelty to animals' which 'prohibited bull-baiting, cock-fighting and ultimately cruelty to animals generally';[2] and finally how slavery was abolished.

But even more in accord with the spirit of Benthamism was legislation the purpose of which was to extend the liberty of the individual. To quote Professor Dicey again, 'The aim of Benthamite reformers was, in short, to secure to every person as much liberty as is consistent with giving the same amount of liberty to every other citizen'.[3] Thus, 'In the name of freedom of contract the crimes of forestalling and regrating (1844, 7 & 8 Vict., c. 24) and of usury (1833–54) ceased to exist'.[3] Further, during these years the Navigation Laws were repealed, and, by the Divorce Act of 1857, marriage was treated like every other contract, and was made legally dissoluble. Again, there was legislation the purpose of which was to extend the

[1] *Law and Opinion in England*, p. 188. [2] Ibid., p. 189.
[3] Ibid., p. 190.

freedom of the individual in dealing with property, and especially property in land.[1] Of these laws the one which has won most praise and censure from social historians was the famous or infamous New Poor Law of 1834. It is difficult to associate this measure, with its hated Bastilles, with an attempt to extend individual liberty.

'Yet the object of the Statute was in reality to save the property of hardworking men from destruction by putting an end to the monstrous system under which laggards who would not toil for their own support lived at the expense of their industrious neighbours, and enjoyed sometimes as much comfort as or even more comfort than fell to the lot of hardworking labourers.'[2]

No less important were the efforts of the Utilitarians to secure a full measure of religious liberty for all. Toleration of belief and the right to full discussion of opinion found doughty champions in the followers of Bentham. Further, those steps which were taken to secure civic equality for all men irrespective of their religious beliefs were in complete harmony with Benthamite theory and were inspired by it. The long series of Oath Acts 'have had the twofold effect of opening Parliament to any person otherwise eligible without any reference to his religious belief, and of enabling even avowed atheists to give evidence, and therefore enforce their rights, in a Court of Justice'.[3]

But before the principles of Benthamism could have been embodied in actual legislation, the conquest of political power would have to be undertaken, and the citadel of political monopoly captured. It was, indeed, no accident that the Benthamites were found in the camp of those urgent in the cause of parliamentary reform. Bentham himself, true to his own principles, was an ardent, and, from a contemporary standpoint, an extreme Radical.

[1] For a list see *Law and Opinion in England*, p. 202.
[2] Ibid., p. 203.
[3] Ibid., p. 204.

He accepted the chief planks in the programme of the Chartists, and was in favour of universal manhood suffrage, annual parliaments, and the vote by ballot. Nothing short of this would satisfy Utilitarian principles. If each man was the best judge of his own happiness, and if the happiness of society as a whole consisted in the summation of the happiness of the individuals who composed that society, that is, if the good of society equalled the sum of the 'good' of its parts, then a parliament which was not vocal of the opinions and desires of all classes was but ill equipped to promote the interests of the nation at large. A House of Commons built upon the suffrages of property-holders would inevitably have regard only to the interests of property-holders, and the protection and security of property would be the end and object of legislation. Bentham was a republican, believing that under a republican form of government alone would the welfare of the entire nation be promoted. Monarchy he detested, not only because he disliked George III, but on principle.

'Given a monarchy, he reasoned, and the King's interest alone is supreme; given a limited monarchy, and the interest of a privileged class, as well as that of the sovereign comes in; it is only when democracy rules that the interests of the governors and the governed become identical, for the greatest happiness of the greatest number is then the supreme end in view.'[1]

However, in this matter of extending the franchise his disciples were not prepared to accept the full programme of Bentham. The Reform Act of 1832 was by no means a democratic measure. 'Its aim was to diminish the power of the gentry, and to transfer predominant authority to the middle classes.'[2] In short, the Great Reform Bill was

[1] W. L. Davidson, *Political Thought in England. The Utilitarians from Bentham to J. S. Mill*, pp. 78–9.

[2] *Law and Opinion in England*, p. 185.

the charter of enfranchisement of the manufacturing and mercantile interests. And yet no one supported this extension of the franchise more wholeheartedly than did the Utilitarians. Two reasons may be adduced to account for their support. In the first place, the Act of 1832 effected a breach in the hitherto unchallenged monopoly of political power enjoyed by landlordism. Falling short of their ideal as it did, the measure at least served to open the door for further concessions. Monopoly and privilege were hateful to the Benthamites, and it was only to be expected that they should take part in an attack upon an electoral system which kept the House of Commons the preserve of landlords and of a few merchants. But, in the second place, there was a tendency amongst the Benthamites to think of the middle classes (the manufacturing and mercantile interests) as being 'the people'. Whenever, then, they spoke of 'the people' they meant the middle classes. The speeches of Brougham serve to illustrate this point.

'If there is a mob, there is the people also. I speak now of the middle classes—of those hundreds of thousands of respectable persons—the most numerous, and by far the most wealthy order in the community; for if all your Lordships' castles, manors, rights of warren and rights of chase, with all your broad acres, were brought to the hammer, and sold at fifty years' purchase, the price would fly up and kick the beam when counterpoised by the vast and solid riches of those middle classes, who are also the genuine depositories of sober, rational, intelligent, and honest English feeling.'[1]

Utilitarianism, indeed, whatever might be the theoretical and philosophical beliefs of its adherents, looked, in practice, to the middle class. On the creative side it was at once a demand for a certain type of government and a theory of state purpose. By government 'of the people,

[1] *Brougham's Speeches*, vol. ii, p. 600.

for the people, by the people' it meant government of the people, for the people, by the middle class. As Professor Dicey has remarked, 'the middle classes were more likely to give effect to the aspirations of Utilitarianism than any other part of the community'.[1] The Utilitarians supported the demand for a wider franchise, not because they desired to see the State built upon the foundation of the whole community, but because they desired to break the political monopoly of landlordism and to extend the franchise enough to allow trading and manufacturing property to have a voice in directing the affairs of the nation. A nation of shopkeepers was to have a government of shopkeepers, or, at any rate, a government in which the 'shopkeeping' interest would be represented.

This is not to accuse the Utilitarians of going back upon the doctrines of the master. However mistaken they may have been, they were honest in thinking that the desires, wishes, and interests of all classes would be represented in Parliament provided the middle class was admitted to political power. This belief is nowhere better illustrated than in an article on Government which James Mill contributed to the *Encyclopaedia Britannica.*

'The opinions of that class of the people, who are below the middle rank, are formed, and their minds are directed by that intelligent, that virtuous rank, who come the most immediately in contact with them, who are in the constant habit of intimate communication with them, to whom they fly for advice and assistance in all their numerous difficulties, upon whom they feel an immediate and daily dependence, in health and in sickness, in infancy and in old age; to whom their children look up as models for their imitation, whose opinions they hear daily repeated, and account it their honour to adopt. There can be no doubt that the middle rank, which gives to science, to art

[1] *Law and Opinion,* p. 187.

and to legislation itself, their most distinguished ornaments, the chief source of all that has exalted and refined human nature, is that portion of the community of which, if the basis of representation were ever so far extended, the opinion would ultimately decide. Of the people beneath them, a vast majority would be sure to be guided by their advice and example.'

In legislation, then, the contribution of Benthamism was to free trade, and to remove restrictions on the use of property; in short to evolve a new theory of State action current during the first forty years of the nineteenth century, known as *laisser-faire*. It can, however, hardly be maintained that at this period the principle of non-interference by the State was fully and entirely accepted. The Corn Laws were repealed, it is true, and commerce was freed from many of the irritating restrictions which checked its growth. Again, attempts to restrict factory hours were strenuously resisted both inside and outside the House of Commons. It seemed intolerable that the State should control the working man in the use of his own property. That property was his labour, which, it was argued, he was entitled to use in the way he liked without let or hindrance. Nevertheless, it was the fact that laws restricting the hours of labour in factories were passed, and that the right of the worker to use his own property was curtailed. Statesmen had learnt from experience; and that hard mistress had taught them that the doctrine of *laisser-faire* was fraught with consequences which they, as guardians of the public welfare, could in no way ignore.

Benthamism, as is known to the historian, did but little to alleviate the distress of the working class, the more intelligent members of which realized that the Great Reform Bill was no democratic measure. As a class it was left excluded from a share in political power. The State was still in the

hands of men of substance and property. Further, in spite of the Factory Laws, the condition of the masses was deplorable. Low wages, lack of economic security, intolerably long hours, and bad housing conditions made their lives dreary and bleak. They did not lack leadership. On the contrary, two programmes of reform were offered to them. Robert Owen advised them to leave the State alone as an unclean thing and taught that the New Jerusalem could be reached only through a new co-operative system and the use of labour notes. To tamper with the political machine was only to waste time. The root of the evil lay in the Industrial system; competition must be abolished, environment improved, education provided—only then would the New Society be born. The masses were attracted by the glamour of this social teaching; a few daring experiments in Industrial Unionism were tried; a series of abortive strikes were declared, and then Owenism died a natural death.

There were other leaders who believed in political action. The hope of social betterment lay in widening the basis of political institutions. Let the working class bend its energies to secure the franchise. Thus Chartism, with its demands for annual parliaments and manhood suffrage, was born. There was, indeed, nothing that a truly democratic State could not do. The Chartist movement attracted hosts of followers; a petition was presented to Parliament; there was unrest and agitation in the country. But like the Owenite movement Chartism too failed. Robbed of hope of better material conditions, and disappointed at not being able to win the franchise, the working class became indifferent to both the social and the political problem.

This fit of apathy lasted for roughly ten years after the failure of Chartism. Both Cobden and Bright tried to

arouse interest in the question of the reform of Parliament, but to no purpose. Two events, however, were to occur which rekindled interest in political reform. There was first the Civil War in America. Here, seemingly, democracy was on its trial. The cotton-growing southern aristocracy appeared to challenge the very assumptions upon which the democratic State was built. The life of a great Republic seemed to be at stake; and the North had unsheathed the sword, not only to preserve intact the American Union, but also to vindicate a theory of political democracy.

Meantime, the flag of revolt had also been raised in Italy. On that flag were inscribed the burning words 'God and the People'. Mazzini the prophet, Cavour the statesman, and Garibaldi the heroic if irresponsible military adventurer were leading a movement for the emancipation of a whole people.

Events such as these were likely to appeal to the imagination of the working class, and to awaken in it an interest in its own condition. It was in the spring of 1864 that Garibaldi visited London, and seldom has a foreigner, however distinguished, received such an overpowering welcome. To quote the words of an American historian: 'To the working classes he appeared as one striving for the liberation of enslaved peoples all over the face of the globe and a soldier who bore the sword for human freedom.'[1] Events in England moved rapidly. A 'Suffrage Association' was formed in 1864; agitation for parliamentary reform followed, and in 1867 the Second Reform Bill of the nineteenth century was passed by a Conservative Government.

There was, of course, nothing in the Act of 1867 which offended against the principles of Benthamism. It widened

[1] J. H. Park, *The English Reform Bill of 1867*, p. 36.

the franchise and made the State more democratic in character; it thus restricted the opportunities of 'sinister interests'. But by the year 1867 the aspirations of the working classes had become social rather than political in character. Their object, therefore, in capturing the political machine was to use parliament to secure social reform. From this time on, the attitude of the State towards the social and political problem underwent a subtle change. For the first sixty-seven years of the nineteenth century the prevailing tendency was in favour of individual liberty; for the last thirty years the State interfered with the liberty of the individual in the name of a wider and more complete freedom.

Collectivist legislation was not, of course, unknown in England before 1867. Factory Acts had been passed; the State had already used its power to restrict the individual in the free use of his own property and had by implication admitted a duty to interfere with industry whenever the 'public good' demanded it. Thus, side by side with the prevailing tendency to remove restrictions, there was this counter-tendency to interfere in order to secure a greater measure of national well-being. With the passing of years this counter-tendency became more and more pronounced, until ultimately the principles of Collectivism came to dominate legislation.

A cursory glance through the Statute Book would establish this beyond a shadow of doubt. Industry came to fall more and more within the ambit of the State. The standards of sanitation in factories were prescribed by legislation; laws were passed regulating the use of dangerous machinery; the employer was compelled to insure his employees. In short, one would be hard put to find a single industry which by 1900 was not subject to interference by the State in one way or another.

The trend towards Collectivism was helped by development in industrial organization. During the first half of the nineteenth century industrial property was largely personal in character. Such being the case, the success of a business depended entirely upon the organizing ability, initiative, and vigour of its owner. The ranks of industry offered wide possibilities to the enterprising man possessing but little capital. And it would be foolish to deny that the owners of business through the exercise of initiative and enterprise gave valuable service to society. As the Webbs have put it:

'The British profit makers spent their days, not in devising means of competing successfully against each other, or with foreign rivals, but in coping with new demands; searching for new materials; creating new products; adventurously opening up new markets; risking fortune, and sometimes even life, in commercial ventures, from China to Peru, from the wilds of Western America to the primitive barbarism of the Antipodes.'[1]

The prizes with which enterprise was rewarded were glittering, but the risks were great, and those who undertook them could with truth urge that their trading profits were but a fair return for services rendered.

Soon, however, the industrial unit was to grow larger. With this growth a new form of industrial ownership was evolved. The joint-stock company with limited liability made its appearance. This meant that property, previously personal in character, became impersonal. Any one possessed of capital could now become part-owner of a business merely by investing his capital in it, with the knowledge that in case the venture failed he would only be risking the loss of the sum invested. Between the years 1856 and 1862 a series of Acts permitting the formation of joint-stock companies were passed; and it could no

[1] S. and B. Webb, *The Decay of Capitalist Civilization*, p. 81.

longer be argued that success in business was due to the initiative of the lenders of capital. Industry was now controlled in the interests of capital rather than by the owners of capital themselves.

Meantime the pressure of competition on the part of other countries, coupled with the realization that cut-throat competition among themselves impoverished them, were driving industries to amalgamate. Competition, previously upheld as the universal principle of harmony in the industrial system, came to be regarded as a principle of anarchy. Competition was wasteful; competition was unprofitable; it was due to competition that our national resources were not put to the best possible use. Hence the supreme problem of the industrial world was how to eliminate competition. Hence also agreements, more or less elastic, between manufacturers in the same line of business came to be considered as not only desirable but necessary. This new form of industrial organization was called by different names in different countries—the 'Merger' Trust in America, the Cartel in Germany, and 'business understandings' in England. By whatever name these agreements were called, the purpose was always the same: to kill competition and to establish conditions of monopoly in industry.

But this was a new development which no State could afford to neglect. A monopoly in private hands might be a good servant, but there was always the danger that it might prove to be a bad master. The State's duty in the matter was clear. As the guardian of the rights and interests of the nation, its place was to protect the consumer from extortion. True, Parliament in England has shown great reluctance to interfere with the policy of large-scale industry—and certainly there has been none of that hostility shown to the Trust here that has been

shown by the Federal Legislature in America. Nevertheless, even in England the growth of monopoly evoked a powerful demand that the State should intervene to control industry in the public interest.

Thus the evolution of property from the personal to the corporate form, the introduction of household suffrage, the social rather than political aspirations of the working classes, and finally the growth of monopoly conditions in industry, all favoured the waning of a belief in *laisser-faire* individualism, and the growth of a theory of Collectivism.

Not that the principles of Collectivism were discovered only in the latter half of the nineteenth century. On the contrary, even during the years when the thought of Bentham was most widely accepted, and when Adam Smith and David Ricardo were the acknowledged teachers of statesmen, vigorous protests had been made against the current belief in the adequacy of the Police State. Even as early as 1829 we find the Tory Southey pleading that the moral evils of society should be corrected by the State.[1]

'He looked forward', wrote Dowden, 'to a time when, the great struggle respecting property over—for this struggle he saw looming not far off—public opinion will no more tolerate the extreme of poverty in a large class of the people than it now tolerates slavery in Europe; when the aggregation of land in the hands of great owners must cease, when that community of lands, which Owen of Lanark would too soon anticipate, might actually be realized.'[2]

Macaulay, inspired by the principles of current liberalism and concerned to champion them, thus commented unfavourably upon this doctrine:

'He conceives that the business of the magistrate is not merely to see that the persons and property of the people are

[1] See his *Colloquies on the Progress and Prospects of Society*, especially vol. i, p. 110.

[2] Dowden, *Southey*, p. 154.

secure from attack, but that he ought to be a jack-of-all-trades, —architect, engineer, schoolmaster, merchant, theologian, a Lady Bountiful in every parish, a Paul Pry in every house, spying, eaves-dropping, relieving, admonishing, spending our money for us, and choosing our opinions for us. His principle is, if we understand it rightly, that no man can do anything so well for himself as his rulers, be they who they may, can do it for him, and that a government approaches nearer and nearer to perfection in proportion as it interferes more and more with the habits and notions of individuals.'[1]

But perhaps the most trenchant, and certainly the best-known, critic of *laisser-faire* was Carlyle, whose essay on Chartism was at once a scathing indictment of the 'condition of England' and a powerful plea that the State should regard itself as endowed with a reformative mission. Carlyle was writing in 1838, in days of social and political unrest, and his condemnation of a policy of State inactivity in face of the universal degradation and poverty of the mass of the people is both unmeasured and uncompromising.

'To believe practically that the poor and luckless are here only as a nuisance to be abraded and abated, and in some permissible manner made away with, and swept out of sight, is not an amiable faith. That the arrangements of good and ill success in this perplexed scramble of a world, which a blind goddess was always thought to preside over, are in fact the work of a seeing goddess or god, and require only not to be meddled with: what stretch of heroic faculty or inspiration of genius was needed to teach one that? To button your pockets and stand still, is no complex recipe. *Laissez-Faire, laissez passer!* Whatever goes on, ought it not to go on? . . . Such at bottom seems to be the chief social principle, if principle it have, which the Poor Law Amendment Act has the merit of courageously asserting, in opposition to many things. A chief social principle which this present writer, for one, will by no

[1] Macaulay, *Critical and Historical Essays*, p. 110 (1870 ed.).

manner of means believe in, but pronounce at all fit times to be false, heretical and damnable, if ever aught was!"[1]

This same spirit of criticism existed inside as well as outside the House. The sufferings of the labouring poor had excited the active sympathy of the young Disraeli. With the hand of a craftsman he sketched their grievances in his *Sybil*, and on the floor of the Commons many of his best speeches were devoted to an exposition of the wrongs from which they suffered.

In a sense, more significant than these attacks upon the current political theory and practice was the theoretical position which John Stuart Mill came to take up. Mill had been thoroughly schooled by his father James in the tenets of Benthamism, and he was equally famous as an economist and political philosopher. In his *Essay on Liberty*, published in 1859, Mill gave a richer and wider meaning to the idea of freedom than was to be found in the writings of the Benthamites. Seemingly his fine mind and generous nature had failed to find a permanent resting-place in the philosophy of political negation. With him liberty was no mere absence of restraint upon the individual; in his writings it became a positive idea. He hated restraint because restraint checked originality of spirit and the fecundity of the human mind. It was for him the mother of error and the enemy of truth. The whole essay is an eloquent plea for freedom of speech and opinion.

The same views were expounded by him in an *Essay on Representative Government*, which was published in 1861. Representative institutions he defended on the ground that they enabled the citizen to gain creative experiences; they were, therefore, the means which enabled the citizen to realize himself. Self-government, in short, schooled the citizen in civic virtue, developed his

[1] Carlyle's *Chartism* (published by the Holerth Press), pp. 18–19.

initiative, and cultivated his personality. This is a far cry from Benthamite theory. Democracy to the followers of Bentham was that form of government which afforded the best guarantees that the interest of the nation, as distinguished from sectional or class interests, would be safeguarded; to Mill it was a milieu in which alone the individual citizen could express and develop his personality to the full. But, further, trade unions, regarded with a mixture of hostility and contempt by the classical economists, were accorded their place in organized society by Mill. For the lover of true liberty, the State could never be an 'all-absorptive animal'. There were associations which had been formed in response to a felt need. Their members yielded them a willing loyalty; they were, like the State itself, the means of expressing social desire.

Thus, even in the days when political thinking and the practice of the State were both dominated by the concept of *laisser-faire*, critics of the prevailing and accepted philosophy were not wanting. Soon this criticism of accepted principles was to be succeeded by a new synthesis which was provided by the so-called English Idealist school of thought. Mill stood midway between Jeremy Bentham and T. H. Green, and perhaps his thought did not suffer from his having a foot in each camp. The antithesis between the individual on the one side and the State on the other was, perhaps, the controlling idea of Benthamism. Idealist philosophy was concerned with combating the whole scheme of Benthamite thought. It denied what Bentham affirmed; and taught that the supposed antithesis between man and the State was utterly false and misleading. The political problem, it held, could never be reduced to such simple terms as Bentham and his disciples had imagined. Thus the relation between the State and the individual came to be regarded as being

vital and organic in character. It was only as a member of an organized political society that the individual became significant. In the life of the State, and there alone, could he envisage the purpose of his own life. His higher self was only realized in and through the State. Its will was the true and permanent expression of the citizens' will. Whereas the individual was often moved by petty passions, by base and unworthy desires which impelled him to seek selfish ends, the 'Will' of society was born of a desire to maintain and secure the well-being of the entire citizen body.

But the duty of unswerving loyalty and blind obedience on the citizen's part was not deduced from this exalted view of the State. The State of the English Idealist was no Hobbist sovereign exacting in its claims upon the individual and willing to admit of no limitations to its unqualified authority. The claims of the individual upon life were fully admitted, and the duty of organized society to respect his rights was emphasized by him. But duty was held to be a correlative of right; it was, therefore, the citizen's first duty to render his eager and willing obedience to the State.

It can hardly be denied that this theory of State function came to have important practical results. In his political thinking the Idealist stressed the importance of the community, while Benthamism began with the individual. This change in philosophical perspective influenced profoundly the character of legislation in England during the later years of the nineteenth century. No exhaustive study of social conditions was necessary to condemn a theory of legislative quiescence. It was common knowledge that the 'blind goddess' presumed to preside over human destinies had smiled only upon the few. For the many *laisser-faire* had meant low wages, long hours, and bad working

conditions generally. A society content to tolerate these abuses stood condemned; and a social theory which, when applied, bore the fruit of suffering must be rejected. The first duty of the State was to create a social and industrial environment in which it was possible for the individual to realize all that was best within him. The State, therefore, upon this view, was a reforming State with a positive function to perform. It was its duty to control the economic system in the interests of those engaged in industry; to ease the appalling burden of poverty on the backs of the people, and to remove the terrible indictment of the existing economic system once made by a Liberal statesman when he said that twelve million people in England were living on the verge of starvation.[1]

Nor did the theories of the classical economists escape the scepticism of the times. In the writings of Smith and Ricardo the successful man of business was upheld as the beau idéal of a cultivated society. It was the mission of the economists to make vocal the aspirations of the middle class, and to define the ethic of a *bourgeois* society. By 1870, however, Ricardian economics had all but completely lost their prestige. Faith in the 'economic' man moved only by a desire to buy in the cheapest and sell in the dearest market was badly shaken. Further, the conception of political economy as an exact science the principles of which were universally valid was dying. Finally, the idea that economics was a cold, passionless analysis of the blind working of economic laws was giving way to a new humanism which concerned itself with the study of the working of actual economic systems, and with the study of social conditions.

[1] Sir Henry Campbell-Bannerman, in a speech at Perth, June 5th, 1903. See J. A. Spender, *The Life of The Right Hon. Sir Henry Campbell-Bannerman*, vol. ii, p. 120.

Three movements in particular were responsible for bringing this discredit upon the writings of the classical school. The earlier Christian Socialists, hating as they did the neglect of moral values in the works of the 'economists', had opposed the conception of 'welfare' to the cold, soulless idea of material wealth. They had shown that, although wealth had increased, the masses had still to endure the heavy burden of poverty; and they had attacked the existing system of distribution as responsible for much misery and injustice. In the Christian Socialist was united the passion of the scientist for accurate data and the zeal of the social reformer. Further, there were the writings of the French Positivist Comte, and of his English disciples. It was the supreme merit of positivist thought to have shown that society, like the physical world, was the product of an evolutionary process. This naturally weakened belief in a body of economic theory which was held to be true of every society irrespective of time or place. It stressed the concept of the relativity of economic doctrine. Finally, in Germany the so-called historical school of economists taught that all the social sciences must begin with a study of man in his historic environment.

This new approach to social science was soon to bear fruit in the work of English economists. Interest in the study of abstract economic theory waned; economic laws seemed to fall into disfavour; and the study of economic history became popular. A brief glimpse at the more important writings on economic subjects during this period brings out this point admirably. *The Wealth of Nations* yielded place to *The Growth of English Industry and Commerce.* Ricardo's *Principles* was supplanted by *The Village Community*; while *Lectures on the Industrial Revolution* took the place of *An Enquiry into the Nature and Necessity of Interest.* This outburst of historical research

shook to its foundations the complacency with which economists of the classical school were used to regard the world. What before was accepted as axiomatic now came to be viewed with the cold eye of scepticism. The belief in the immutability of 'economic laws' was discredited; and heresies such as that of David Syme, a prominent member of the new school of economists, became popular. 'Competition', wrote Syme in 1878, 'leads to the destruction of all morality'; again, 'In the economic world honesty counts as nothing, and help comes in the inverse order of a man's needs.'[1] Clearly, by the later decades of the nineteenth century the belief that a Divine Providence ruled the world had disappeared. The 'dismal science' had itself become just a branch of the wider study, Sociology.

To this scepticism within the ranks of professing economists must be added a growing discontent with the way in which that most sacred of all institutions, private property in land, was functioning. Land is a natural monopoly, and the landowner therefore a monopolist. That was the lesson which the land reformers had learnt from Ricardo. Rent differed fundamentally from both wages and profits. Rates of wages bore some relation to human effort; the rates of interest were determined, at least in part, by the skill and foresight of the entrepreneur. Rent, however, fell into another category altogether. For one thing it was not the reward of work done, nor was it a reward for services which have benefited society. It was a fine extorted from the community; and withal a fine which was increased the more difficult society found it to feed and clothe itself. The higher the price of agricultural products the higher the rent. When, therefore, the real wage of the labourer fell and the profit of the manufacturer was lowered, the landlord's rent was increased. To use

[1] Quoted in Max Beer's *History of British Socialism*, vol. ii, p. 235.

a metaphor which is perhaps not inappropriate in this connexion, the landlord sowed not, nevertheless he did reap where he had not sown. All this was, of course, good Ricardian economics; it was accepted by the land reformers and used by them for their own purpose. This tendency for the rent-charge to increase in a progressive society had to be counteracted. Ricardo had suggested that the ports should be thrown open to the agricultural products of other countries, in the belief that competition from abroad would reduce prices in the home market, and thus in turn reduce the landlord's rent. Free trade, then, was the weapon which should be used in the economic war against the landlord. Free trade was the weapon with which the castle of monopoly was to be assailed.

The land reformers, while accepting the Ricardian theory of rent, refused to accept his proposals for mitigating the evils inseparable from landlordism. The panacea of free trade was not enough. Spence, Ogilvie, and other social reformers had already called attention to the crying evil of the 'landed monopoly'. Thoroughly 'Radical' in their way of thinking, they had urged that rent should either be extinguished altogether or heavily taxed. John Stuart Mill was now to lend his authority to the advocacy of the taxation of land-values. All the land in the country, he argued, should be valued. This 'present value' he would exempt from taxation; but any additional value due to growth in population and social improvement he believed ought to be subjected to a most rigorous tax.

This idea of a single tax quickly gained such popularity that when the 'Land Tenure Reform Association' was formed by Mill in 1870 it was immediately joined, not only by working men, but also by prominent members of the Liberal party. John Morley, then a rising journalist and author, and a Liberal in politics, was a leading member;

so also was the Radical Sir Charles Dilke and the economist Henry Fawcett. The Association advocated a policy of transferring to society the 'unearned increment' hitherto enjoyed by the landlord. Members of the Association were clearly not averse from invoking the State to remedy an injustice even when this meant direct interference with the rights of private property. This is indeed a far cry from the Liberalism of the early years of the century. *Laisser-faire* was passing, and passing rapidly, when convinced Liberals could openly advocate interference by the State in the oldest and still among the most important of English industries. On the other hand, it must be borne in mind that land was a natural monopoly and that its price, therefore, was not subject to the laws of demand and supply which regulated the prices of other commodities. But when these allowances are made, the conversion of Liberal thought to a belief in the 'reforming State' is a significant fact which the student of nineteenth-century political theory cannot afford to neglect.

Finally, this survey of the movement of opinion would be incomplete without some reference to the 'New Socialism' of the last two decades of the century. It is, of course, a commonplace that Marxism never took very deep root in England. Further, the revolutionary socialism of Owen, a native product, with its Utopian dreams of the New Jerusalem, soon disappeared as a practical force. The new Fabian socialism which grew on English soil during the eighties and nineties was neither revolutionary in temper and narrowly materialistic in outlook, nor was it Utopian in character. It was a truly scientific socialism, inasmuch as the programme of reform it proposed was built upon a conscientious and painstaking research into the nature of the social problem. Mr. and Mrs. Sidney Webb were social investigators first and social theorists afterwards.

They and their fellow Fabians lived in a different world from Owen and Marx. In the days of Owen the State was in the hands of the landholding and commercial classes. Owen in his thinking, therefore, neglected the State. For him it was but a very imperfect instrument for securing social reform; certainly it was not to be hoped that a chamber of capitalists and landlords would change the basis of the whole social order. Marx, of course, despised the State. During his lifetime he had come into contact with it on more than one occasion, and the experience had been far from pleasant for him. The State, like religion and the other institutions in capitalist society, he regarded as the device of a dominant economic class to keep the working classes in subjection. The State, then, was an arch-enemy which would have to be overthrown by violent revolutionary effort. It was, therefore, the duty of all who desired the advent of a socialist society to conspire for its overthrow.

But Sidney Webb and the Fabians thought better of the State than did either Owen or Marx. The Reform Bill of 1867 had widened its basis. It could not, of course, be said that the House of Commons was as yet truly representative of every opinion in the country, nevertheless it was far more under the control of the entire nation than it had ever been before. There was now available a political organ fitted for the task of planning the social life. This seems to be the fact which Mr. Sidney Webb grasped.

In 1884 the Fabian Society, an avowedly socialist body, was formed. The Democratic Federation, founded in 1881,[1] had fallen on evil days. Serious differences of opinion among its members on the question of the socialist

[1] It adopted the name 'Social Democratic Federation' in August 1884.

attitude towards parliamentary reform had both embittered its discussion and split its ranks. The Federation, indeed, was founded upon the dogma of Marxian economics, and where uniformity in faith is demanded there the heretic is invariably found. The newly founded Fabian Society steered clear of the rock upon which the Federation split. It avoided dogma, whether economic or political, and consecrated itself to the task of social investigation and research. Knowledge is power—such ought to have been its motto. The main task of the socialist was to discover institutions suited to the purpose of reorganizing society on socialist lines; this could only be done by painstaking inquiry.

It was the great achievement of Webb to have discovered that the element of the 'unearned increment' which Ricardo had taught went to the pocket of the landowner as rent was really but a species of a wider genus. The same element, he discovered, could also be found in the remuneration of the factory-owner. Some firms were better managed than others; in some factories more efficient machinery was used, and better technique applied, than in others. In the well-managed and well-organized businesses the cost per unit of product was obviously lower than in less efficiently run concerns. But (as in the case of land) the price of the product was fixed by the costs of production of the least efficient producer. Therefore, clearly, the intra-marginal producer enjoyed a remuneration substantially above that necessary to guarantee a steady supply of goods for the consuming public.

It is, of course, possible to infer a variety of social doctrine from this fact. It can be adduced to prove, among other things, that the employing and possessing class is a parasitic class which takes from society a toll which bears no relation to the social service which it renders. Further, the

theory of the class war can be deduced from it. But Webb, unlike Marx, did not indulge in historical prophecies. His researches into the working of social institutions did not lead him to assert dogmatically that the death of the capitalist system was near at hand—a system killed by the inevitable clash between the 'Haves' and 'Have-nots'. He did, however, point out that capitalist society was suffering from a malady due to the fact that the economic system which supplied its material needs was in the hands of a comparatively small number of men who managed it for their own private profit. Capitalism Webb found to be anti-social in character—the interests of the property-owning and property-exploiting classes were different from the interests of society as a whole.

The immediate task of a Government bent on a policy of reform became to secure for society the 'unearned increment' which, under capitalism, was drained off into the pockets of the few. This could be done in two ways. The 'surplus' could be absorbed by progressive taxation. Alternatively, it could be secured for society by either the municipal or national ownership of industries suitable for that purpose. But to put such a plan into operation political action was necessary; both the machinery of State and the municipal councils would have to be captured for socialism. Here, then, was a complete socialist programme. It was the duty of the reformer first to enlarge his knowledge. With a thorough knowledge of the history and working of institutions he would then be in a position to suggest such changes as were necessary to fit them for carrying out their proper functions in a socialist State. Finally, which was equally important, ceaseless propaganda in favour of socialist ideas would have to be undertaken to enable socialism to capture the seat of political power.

This new socialism of the Fabians differed in important respects from both the Utopian socialism of Owen and the revolutionary socialism of Karl Marx. It was not now thought necessary to preface a discussion of socialist tactics with a metaphysical inquiry into the effect of environment upon character. Nor was there in Fabian doctrine that arid dogmatism which we find in Marx. Here, then, was no revolutionary fervour; no desire to pull down, utterly destroy, and, upon the ruins of the old, build a new social system. Webb and the Fabians thought of society in terms of evolution rather than in terms of revolution. Political institutions were the product of a long and slow process of growth. Their roots were in the soil, and they expressed the political genius of the people. The revolutionary, even if successful, would only succeed in pulling the social temple about his ears. Reform there must be, but never violent change. If existing political institutions were but ill adapted to carry through a socialist programme, the remedy was to amend, but never to overthrow them. Hasten, but slowly—such was the motto.

The response, in the field of practical affairs, to the leadership of the Fabian intelligentsia was rather slow in coming. The trade unions were singularly apathetic on the question of political reform. Under leaders like Thomas Burt and Henry Broadhurst, the majority of trade-unionists were content to follow the Liberal banner of Mr. Gladstone. The year 1886, however, proved to be a crucial year in the history of Liberalism. The Irish question had split the Liberal party, and its leader fell from power. Meantime a left-wing movement within the ranks of the trade-unionists themselves was denouncing the alliance with the Liberal party and was stressing the need for a separate representation of the Labour interest.

Keir Hardie was the leader of this movement; in 1888 he succeeded in forming the Scottish Labour party. Five years later, in 1893, the various Labour organizations united to form the Independent Labour party.

But even now the trade-unionists were slow to recognize the importance of political action. That militant leader, John Burns, impatient of the caution and conservatism displayed by the unions, described them as having become 'mere middle and upper class rate-reducing institutions'.[1] Even the great Dockers' Strike of 1889 failed to kindle much enthusiasm for positive working-class action, whether in the field of industry or politics, among those who led the trade-union movement. Indeed, when the newly founded I.L.P. put forward twenty-eight candidates supporting an independent Labour policy at the general election of 1895, many of them found themselves opposed by trade-union leaders who openly supported the Liberal platform. Nevertheless, year after year the agitation for a separate Labour representation was vigorously prosecuted in the Trade Union Congress. At last success came. In 1899 the Congress was won over; in 1900 the 'Labour Representation Committee' was born. Success rewarded its efforts at the general election of 1906; and shortly afterwards the Committee came to be known as the Labour party.

It is a far cry from the theory of Individualism to the theory of Collectivism. It is, of course, unnecessary to stress the fact that at no time during the nineteenth century did either Individualism or Collectivism hold the field unchallenged. There were what Professor Dicey calls 'cross-currents'; thus the age which witnessed the repeal of the Corn Laws also witnessed the enactment of the Factory Laws. But, broadly speaking, the age of Bentham was the

[1] Quoted in C. M. Lloyd's *Trade Unionism*, p. 30.

age of Individualism, that of Webb the age of Collectivism. Gradually, during the course of the last century, belief in what Carlyle somewhat unfairly stigmatized as 'Do-nothingism' weakened. The trend of economic development, discoveries in the field of biology like the theory of evolution, idealism, imported from Germany, each and all influenced political thought. Mr. Sidney Webb in his pamphlet *Towards Social Democracy*, published in 1916, analyses the repercussions of this change in social theory upon social fact. It is his belief that the years 1840–1914 witnessed such a growth of popular liberty as probably could not be paralleled in any previous age. This happy progress, as he sees it, was due to the acceptance of socialist principles by English statesmen. Thus he discerns at this period the gradual extension of collective ownership and management of land and industrial capital. Again, land and industry in private hands were brought more and more under collective supervision; not even a noble duke in 1914 would have been foolish enough to assert that he could do what he liked with his own. Further, a graduated tax was judiciously applied, and unearned incomes in the shape of interest and rent were heavily taxed in an attempt to correct inequalities in the distribution of wealth. Finally, the State pursued the policy of trying to secure a 'national minimum' for all its citizens.

No longer, then, was the State a Police State mainly concerned with maintaining law and order. Not only had it become responsible for the safety of its members: it was also concerned for their welfare. If accidents occurred in the factory the State was expected to do what it could to prevent their recurrence. It was held responsible for the maintenance of the poor and indigent. It was expected to provide a public system of education for its children and

to compel greedy or shortsighted parents to send those children to school. In short, by the beginning of the twentieth century the State was expected to exert itself as much in providing for the welfare of its citizens as in protecting them from domestic violence and foreign invasion.

IV

THE HOUSE OF COMMONS AT WORK—FIRST PERIOD

In this chapter an attempt will be made to examine the theory and behaviour of the members of the House of Commons on measures which, as Professor Dicey has pointed out, have been inspired by the Benthamite doctrine. The Free Trade movement triumphed when the Corn Laws were repealed in 1846 and when the Navigation Laws disappeared from the Statute Book in 1849. Property was afforded more adequate protection by the legislature by the Poor Law Reform Act of 1834 and the General Enclosure Act of 1845. Civil and religious equality were secured by the Jewish Relief Bill of 1858 and by the Dissenters' Chapels Bill of 1844. But there were also 'cross-currents'. The Factory Laws of the period were the negation of Benthamism. Nevertheless, the movement for better and more humane conditions in industry was largely successful. The Factory Act of 1833, the Mines and Collieries Act of 1842, and the Ten Hours Bill of 1847 were the rewards of the unremitting and selfless labours of men like Oastler, Fielden, and Lord Shaftesbury on behalf of children, women, and men engaged in factory and mine. It is with these measures that this present chapter will be concerned.

I

The case of members who opposed the repeal of the Corn Laws may be divided into two parts. These, for our present purpose, are not equal in value. There was first the narrowly economic side of the question, when the opponents of the Bill tried to show that the measure was

detrimental to the national interest. It was alleged that the Government, returned as the champion of the agricultural interest, was now proposing to break faith with it. In this betrayal it was doing a disservice to a great industry. Much capital had been expended upon land-reclamation, and it was estimated that some two-thirds of it would be lost were the ports to be thrown open, and, further, that rents would be halved.

The declared object of the measure was to reduce agricultural prices, and it was admitted that it would succeed in doing so. But if prices were reduced the demand for agricultural labour would also be reduced; and in this way the labourer would lose rather than gain from the repeal. It was but little consolation for a man without work to know that the prices of goods, which he could not buy, were falling. Further, there was every reason to doubt that a fall in prices was a blessing. The years 1815–22 were years of falling prices; but they were also lean years of bad trade accompanied by discontent which showed itself in the burning of many a hayrick.

Then there was the further point that the Bill was, really, unnecessary. There was enough land and to spare in England to feed the entire population. Possibly some little readjustment of the protective duties might be necessary, but nothing more was needed. As proof of this contention it could be shown that between 1828 and 1841 the production of wheat in the county of Lincolnshire had increased by 70 per cent., to offset which there was a mere growth of 20 per cent. in population. And even if the soil of England was unequal to the task of feeding a growing population there was always the Empire to which we could turn. Canada possessed the finest wheat-growing lands in the world. Other colonies were able to satisfy our requirements in tea, coffee, tobacco, and in all other indispensable

commodities as well. The British Empire could be made independent of all foreign supplies. Further, our colonies could provide markets for the goods of our manufacturers. By a well-designed system of protective duties it would be possible to make the British Empire the strongest and most united empire in the world.

But the Bill was opposed not only on the grounds that it was bad economically. Other criticisms, revealing what Members thought and felt both about the function of Parliament and about their own task as legislators, were levelled against it. It was urged that the measure infringed the property rights of the tithe-owner, who had agreed to accept a money payment instead of payment in kind from the tithe-payer. The amount which the owner was to receive was governed by the average price of wheat over a certain number of preceding years. Clearly a Bill designed to lower the price of wheat would indirectly lower the amount of tithe due to the owner. But, further, this injustice was merely one aspect of the more general attack upon the landed interest to which the Government was committed. Land had hitherto enjoyed a traditional supremacy in the political system of the country. This was now to be undermined. If the Bill became law the political influence which Land enjoyed would be transferred to commerce and manufacture. This would mean that the democratic party in the State would be strengthened, and that the monarchy itself would be placed in danger.

Moreover, this revolutionary change would have the result of handing over the State to one class within the community. The authority of Adam Smith was invoked to prove the superiority of Land to Industry. Indeed, the interests of the landowner and agricultural labourer were held to be inseparable from the interests of the whole community. The interests of the manufacturing class, on the

other hand, were assumed to be selfish class interests. In short, it was urged that under the pretence of helping the poor the measure sought merely to increase the profits of wealthy manufacturers and merchants and to elevate to the first place in the State a class which had no governing tradition behind it, which had cultivated no sense of social obligation, and to which cheap markets and high profits alone were important. Hollow commercialism, enthroned in the seat of authority by the Bill, was essentially anti-Christian. It knew no duty to a neighbour; it was ruthless in its pursuit of worldly gain. With a flourish the argument was closed: 'Yes, believe me, religion, virtue, loyalty, patriotism, deeply rooted associations, social affections, local attachments, are of infinitely greater value than mere commercial theories.'[1]

The Government's defence of the Bill was, for the most part, concerned to justify the repeal as a sound economic measure. It was wrong, so it was argued, to make the facile assumption that the interests of Land and Industry were opposed. The Act of 1773 had practically abolished protective duties; yet during the following twenty years the population of the country had increased by a million; 460 Inclosure Acts had been passed, the area under cultivation had been increased; and there had been but small variations in the price of wheat. Agriculture certainly had not suffered during that period, while industry had been greatly stimulated by the removal of archaic duties. Further, even if it was assumed that prices would fall when the duty was removed, the drop would be only temporary. Improved transport facilities and the adoption of more scientific farming methods would very soon lower costs of production and would therefore make corn-raising a profitable occupation once more. In point of fact, the way to

[1] Hansard, vol. 86, 3rd ser., p. 412.

save the agricultural industry was to open the ports; to expose it to foreign competition, and in that way to compel it to adopt better and more efficient methods. Population was on the increase, and the bigger demand for food-supplies would sustain the home prices of wheat at the then existing level.

Not content merely with justifying a fiscal policy of free trade, members who spoke for the measure also rebutted at length the charge that the Bill was a conspiracy against the Landed interest. Land, it was agreed, had always enjoyed a traditional supremacy in the British political system, and the Government found no fault with that admirable arrangement. It was conceded that the land-owner had never pursued a selfish policy, and had invariably sought the well-being of the nation at large. It was not, then, the Government's desire to weaken his political influence, and its Bill was no underhand conspiracy to change the repository of political power. The sole object was to relieve the poor from a grievous and heavy burden. A pernicious protective-tariff system taxed the food and drink of poor people. They were made to pay to the Exchequer a contribution altogether out of proportion to what was just and fair. Cheap food in abundance was the greatest need of the working classes.

But, finally, a policy of free trade had a positive moral value. Based upon the principle of the international division of labour, it bound nations to each other with the bonds of trade and commerce. However much statesmen tried to foment trouble between States, the trading interest could always be relied upon to throw the weight of its influence in favour of peace. In the words of Palmerston:

'... if you want to inspire their [i.e. monarchs' and statesmen's] minds with juster and more moderate sentiments, spread wide before them the book of the merchant; and be assured

that in the pages of that volume, they will see more cogent and conclusive arguments against unjust and unnecessary war, than are to be found in the purest precepts of the moralist, or in the wisest exhortations of the statesman.'[1]

The main action in the battle for Free Trade was of course that fought over the Corn Laws. In 1849 yet another blow was dealt at the already dying system of Protection, when the Navigation Laws were repealed. The debates on this proposal add nothing new to our knowledge of the social and political theory of the members of the House. The Tory Opposition tried to show that no substantial benefits to the consumer would accrue from reduced freightage charges, and argued that no valid analogy could be drawn between the Corn Laws and the Navigation Laws. Protection had conferred a monopoly upon the landowner; the British shipowner, on the other hand, was faced with foreign competition everywhere except in the carrying trade with the British colonies. No economic reasons could be adduced to support the Bill. Further, the Government was warned not to injure a great industry which afforded work for thousands of seamen, and in which millions of pounds had been invested. There was no popular demand for abolishing the Laws; and the Government was taunted that it had introduced the Bill in a doctrinaire spirit to complete the edifice of Free Trade. This love of abstract theory was likely to cost the country dear. Men would be thrown out of employment, the working-class standard of life would be lowered, and discontent would soon spread throughout the country.

To all this it was replied that a monopoly invariably found men to defend it on the ground that it was the mainstay of the Constitution. That, further, it had to be borne in mind that the Government was proposing no innovation for the question.

[1] Hansard, vol. 85, 3rd ser., p. 265.

As far back as 1824 a reciprocity treaty with the Baltic Powers had been signed which had somewhat relaxed the existing restrictions on shipping. The results had been highly satisfactory. Far from retarding the growth of home shipping, it could be shown that, whereas during the thirty years previous to 1824 this country and the colonies were adding to their merchant fleet at the rate of 30,800 tons every year, between 1824 and 1847 we were adding to the fleet at the rate of 58,000 tons every year. Experience therefore proved how idle it was to maintain that a great national interest would be ruined if the Navigation Laws were abolished. Moreover, some regard had to be paid to Colonial opinion in the matter. The Colonial corn-grower was complaining of the heavy freights which he had to pay as compared with those paid by his American competitor; and the West Indian planter, already faced with the competition of slave-grown sugar, was further handicapped in his business by being forced to pay the high freights charged by British shipowners.

This rapid survey of the case both against and for the repeal of the Navigation Laws serves to show that the problem was regarded almost entirely as an economic one. There was perhaps one point of interest and importance made during the discussion. By the year 1847 opinion within the House had apparently been won over to a belief in the blessings of competition, and to a recognition of the danger of monopoly. The Opposition and the Government alike were united in believing that it was the State's duty to intervene to protect the national interest where monopoly conditions existed. This indeed is the only inference which can be drawn from the anxiety of the opposition to prove that there was no parallel between the Corn Laws and the Navigation Laws. The country in wide bes unable to grow sufficient corn to meet the needs

of the population; this being the case, Corn Laws, prohibiting importation from abroad, naturally conferred the privileges of monopoly upon the landholding classes. The Navigation Laws, on the other hand, were not monopolistic in character. At every neutral port our ships were in competition for freights with the ships of all other countries; and even in English ports foreign ships enjoyed the right to compete for all cargoes except those destined for our colonies. It could not, therefore, be urged that protection had enabled the English shipper to profiteer at the expense of the community. To all this, Government spokesmen merely replied that the Navigation Laws were monopolistic in character, and that the case for their repeal rested upon that fact.

2

The Poor Law Reform Bill of 1834 was another measure entirely in harmony with the theory of *laisser-faire*. The occasion for the measure dated back to the unfortunate Speenhamland experiment which established the principle that poverty was to be alleviated by subsidizing wages out of the rates. That principle in practice had proved disastrous. In one of the Buckinghamshire parishes the rates had risen from £10 11*s*. in 1801 to the enormous sum of £367 in 1832. Farms had become tenantless, and landlords, unwilling to shoulder an intolerably heavy burden, had demolished the cottages on their lands. The system had, indeed, violated the sacred right to property; it had therefore to be changed as much in the name of principle as out of sheer necessity.

Lord Althorp, who introduced the measure for amending the Poor Law, on April 17, 1834, was aware of the fact that he was on the horns of a dilemma. The need for some measure of reform was, of course, beyond question.

Ruined farmers, harassed landlords, and a labouring population reduced to beggary bore sad witness to the harm done by the system of indiscriminate charity begun by a well-meaning but misguided magistrate. But, then, why have a system of poor-law relief at all? Theory would seem to demand that each man should fend for himself. The science of political economy taught that the State owed no duty to the poor and indigent. The interests of society at large were best served when the State confined itself to the tasks of fostering the free initiative of its members and of protecting their private property. Lord Althorp felt that the rational way of dealing with the problem of poverty was not to deal with it at all; that what was needed was a measure for abolishing the Poor Laws and not a Bill amending them. *Laisser-faire* doctrine, however, he saved by the thought that the statesman had religious as well as secular duties to perform. Among the more important of these was the duty of Christian charity. This was the only ground upon which the obligation to provide relief for the poor could be justified.

Nevertheless, this proper sentiment of pity he believed ought not to be made a cloak to cover a faulty and vicious system of relief. Thus the Government intended to submit a measure which would proceed upon two principles. The administration of relief would be put in the hands of a Board of Commissioners, on the grounds that a central authority would be both better informed and more impartial than local magistrates. In the second place, the Government had decided that the allowance system must cease. That system had done injury to the striving farmer, who often had to compete with a neighbour whose industry was subsidized from the rates. It had also undermined the self-respect of the labourer, and had lowered his wages by putting him on the rates. The Government was promoting

its Bill in the confident hope that it would cut at the root of these evils. By imposing a 'workhouse test' it sought to relieve property of the intolerable toll which the Speenhamland System had exacted from it. It proposed to encourage honest labour by making certain that the labourer was remunerated according to his labour and not according to the number of his children. Finally, it intended to modify the Law of Settlement and thus to ensure a greater mobility of labour.

It was eloquent testimony to the deplorable results of the existing system of poor relief that Lord Althorp's proposal was cordially welcomed on every side of the House. 'From the measure the Noble Lord intended to introduce, the country would have to date a new era of happiness and prosperity, and it would be deeply indebted to the present Government for bringing it forward.'[1] Such was the view of one member. 'It was one of the means of increasing the productive powers of the country',[2] thought another. A third maintained that 'the true principle of Government was, that the ruling power was bound to protect every man in the full enjoyment of the fruits of his own labour, and it was a perverted principle which allowed another man who could not support himself to come upon his neighbour's means'.[3] Equally interesting and revealing are the views of a fourth. 'It was extremely desirable to set at liberty as much as possible of the labour of the lower orders of society, in order that it might be brought into the most suitable market under every possible advantage.'[4]

The Bill, however, was not allowed to pass through the House entirely without opposition. Criticism of it fastened

[1] Hansard, vol. 22, 3rd ser., p. 890 (Sir George Strickland).
[2] Ibid., pp. 890–1 (Colonel Torrens).
[3] Ibid., p. 892 (Sir Samuel Whalley).
[4] Ibid., p. 893 (Colonel Wood).

both upon the new political machinery which it was proposed to set up, and upon the Government's approach to the problem with which it dealt. It was alleged that to invest three commissioners with such wide powers as were contemplated was an invasion of constitutional rights. To Parliament belonged the right to legislate; but under the Bill this right would be shared by three commissioners. Further, the measure was subversive of those principles of English local government which asserted that the right to decide how a local rate should be spent belonged to him who paid it. Finally, the workhouse was no remedy for poverty. It was sheer cruelty to snatch the aged poor from their cottages, thus breaking old ties and long-standing friendships. Further, herding men together in one place was socially unhealthy; while the hard life of the workhouse would inevitably drive the destitute of the countryside into the towns to aggravate the problem of unemployment there.

More interesting to the political theorist than this criticism of the machinery set up by the Bill was the charge made by some members that the measure was a challenge to and an attack upon the existing social system. That system, it was argued, was based upon the view that the rich had a moral duty to help the poor. Local magistrates, who administered relief, were the local landowners, who, in the discharge of their duty, laid claims to the regard and affections of those whom they helped. By taking from the magistrate the right to give relief, the Bill would weaken, if not destroy, that sense of unity between the classes which had hitherto prevailed in the countryside. Henceforth there was to be not harmony but strife, not goodwill between men but bitterness and hatred. Out of that bitter feeling would grow a condition of insecurity for both property and person.

Again, past experience in dealing with the problem of poverty condemned the Bill out of hand. In the south of England, where the Poor Laws were in force, the peasant was still in possession of a clean, comfortable cottage. In Scotland, on the other hand, where the Poor Law had long been abolished and where relief was only given reluctantly, the people were reduced to a sorry condition, living on porridge and water. In Ireland, where there was no system of poor-law relief at all, the condition of the people was deplorable in the extreme. The peasantry was badly fed and ill clothed, and half-naked peasant women could often be seen there wandering aimlessly through the countryside.

These pleadings on behalf of the old system of poor-law relief were of no avail. The general sentiment of the House was favourable to the Bill, so favourable indeed that on the second reading twenty members only could be mustered against the Government, and on the third reading only fifty members voted against the measure.

The same all but unanimous approval was accorded by the House to the General Enclosure Bill of 1845. A measure to 'facilitate the Inclosure of Commons' was introduced by Lord Worsley on February 29, 1844. As the law stood, a private act of Parliament was required to sanction inclosure. This procedure, he thought, was both cumbersome and expensive. To obviate expense the Government intended to set up a body known as Inclosure Commissioners, charged to consider proposals for the inclosure of common waste. Thus, should parties who were interested in two-thirds of the value of the Common desire to inclose, they had to apply to the Commissioners, who would then send down assistant commissioners whose duty it would be to consider 'not only the interests of the parties, but the locality and general advantages to

be derived from the inclosure'.[1] Further, in case there was opposition to the proposed scheme, a day would be set aside by the assistant commissioners for hearing petitions against it. Finally, as yet another safeguard of legitimate property rights, should one-quarter of those interested in the Common object to inclosure, they could petition Parliament, and give notice to the Commissioners not to proceed with the matter until six weeks after the meeting of Parliament.

The object of the General Enclosure Act, like the object of the Poor Law Reform Act, was to remove restrictions on the use of property. That such a proposal was in full accord with the desires of members is seen from the eager reception accorded to the measure in the House of Commons. To begin with, whereas seventy votes were recorded in favour on the second reading, twenty-three only were cast against. The Bill was then referred to a Select Committee and no more was heard of it until May 1845, when the Earl of Lincoln moved for leave to bring in a Bill to facilitate the 'Enclosure of Common and Waste Lands in England and Wales'. Upon examination there is no difference in principle between this measure and the previous Bill, and it is a significant fact that this measure passed its third reading without a single vote being recorded against it.

Further, the general approval which the House gave to Lord Worsley's Bill is also significant. Some criticism, of course, there was, for in the British House of Commons it has always been the duty of the Opposition to oppose. The Government was charged with favouring the rich landlords, who, it was feared, would devote the land inclosed to pasture, thus aggravating the problem of rural depopulation; with failing to make any provisions for smallholdings in order to alleviate the sufferings of the

[1] Hansard, vol. 73, 3rd ser., p. 426.

peasantry; and generally with aiding and abetting a grasping landlordism to convert to its own private profit what ought to be reserved for public use.

The volume of such criticism, however, was small; the tone of the debate being congratulatory rather than critical. The proposal to set up the Inclosure Commissioners was warmly approved. This, it was urged, would be a body which would do its work without fear or favour. Far removed from the pressure of local prejudices, the interests of the poor could be entrusted to it with confidence. Further, and more material for our present purpose, it was emphasized that inclosures, by bringing every available acre of land under cultivation, would solve the pressing problem of population. When industry was freed from all restrictions it would become more productive. With the land of the country all in private hands the supply of food available would be larger. On the other hand, great care would have to be taken lest the rights of the cottager to these Commons should be infringed—thus a bow in passing was made to those who almost from time immemorial had enjoyed the privileges of grazing their cattle and pigs on the common waste.

3

One of the more important Bills for securing civil and religious equality was introduced by a Liberal Government in 1858 as the Jewish Relief Bill.

Before 1844 Jews had been ineligible for election to municipal bodies, and not until 1859 were they admitted to a seat in Parliament. In 1830 and in 1833 Bills had been introduced to remove these injustices, but not one of these had become law. In 1858 the Government declared its intention to admit Jews as members of the House of Commons. Little is added to our knowledge

of the political theory of the Members of Parliament by an analysis of the case made for the Bill by the Government and its supporters. The feeling in favour of toleration was so strong in Parliament that the proposals submitted by the Government had actually originated in the Lords and had already been approved by them. Members who defended the Bill, for the most part, confined themselves to deprecating the spirit of intolerance shown by their opponents. They also deplored the fact that the measure, although a step in the right direction, did not accord the Jews full and complete equality with other religious sects. A resolution of the House would still be necessary before a Jew returned to Parliament would be allowed to take his seat. The hope was expressed that this last obstacle would soon be removed, and that, in the words of Lord Palmerston, Jews would be admitted to Parliament 'not by the objectionable mode of a Resolution passed by one House of Parliament, but by the more constitutional operation of a general law'.[1]

Members who resisted the Bill disclaimed any intention to be unfair and unjust to the Jews. Their exclusion from Parliament did not inflict any hardship upon them; it did not in any way curtail their personal liberties. On the other hand, it was of vital importance for England that the legislature should be exclusively Christian in feeling and membership. Unlike other people the English had succeeded in keeping their liberties intact, and this was ascribed to the fact that throughout the ages English freedom had been stoutly defended from attack by a Christian House of Commons. The objections to any proposal to change the Christian character of the House were, indeed, insuperable; this was a matter which lay at the very roots of our national life.

[1] Hansard, vol. 151, 3rd ser., pp. 1633–4.

But if, in spite of protest, the Bill were to become law, dire results would follow. The Church would be alienated from the State, and ultimately they would be separated. Further, the State would be divided against itself. The House of Lords would never receive Jews as members. Thus one of the two Houses of Parliament would be Christian, the other not. Loyal co-operation between them would become impossible. The confidence of the people in its rulers would be profoundly shaken; for it was unreasonable to expect a Christian people to have the same regard for a legislature which did not share its religious convictions, as for a Christian House of Commons.

More interesting from the point of view of this analysis were the debates on the Dissenters' Chapels Bill of 1844. As explained by the Attorney-General[1] the object of the Government was to protect the rights and interests of Dissenters. It sought to do this by enacting that, if a chapel had enjoyed undisturbed possession of its property for a period of twenty years, this would be valid against any adverse title. Usage, however, was to lie in the congregation, which could have a minister removed if he upheld, for instance, Unitarian doctrines from the pulpit of a Presbyterian church. Hence, as the Attorney-General was careful to point out, the Bill contained adequate safeguards against one sect robbing another of its property.

This plan, it was claimed, was preferable to the existing method of deciding by litigation whether or not a Trust was being used in accordance with the intentions of the original founders. Where a particular purpose was mentioned in the Deed or Trust the Bill would not, of course, apply. But where no purpose was mentioned it would. The law court was hardly a proper place for discussing religious dogma; and in any case but few religious denominations

[1] Sir William Follett.

would be secure in possession of their property if they were called upon to prove in a court of law that their doctrines differed in no particular from the beliefs of the founders. Doctrines changed, and the Government was particularly anxious to avoid the lamentable spectacle of Unitarians trying to establish how far Wesleyans were really following the doctrines and example of John Wesley their founder, or of Anglicans questioning in a court of law whether or not Independents still embraced the tenets of Harrison and other Commonwealth members of the sect.

Eminently wise as they may seem to us to-day, these proposals met with considerable criticism in 1844. For one thing, it was claimed that the Bill was unnecessary. The Court of Chancery had in the past dealt satisfactorily with questions relating to the intentions of the original founders of charitable donations. No case had been made out for superseding that method. Again, it was urged that charitable bequests would be seriously discouraged by the Bill, and that there was the further danger that it would divert Trusts from their legitimate purpose. For another thing, the measure was an affront to the vast majority of English people, who objected to it on grounds of religion, as an infraction of truth, and as likely to encourage error.

But, finally, the Government was accused of proposing to violate the rights of property. It was pointed out that ever since 1835 charitable foundations which were originally vested in members of the Church of England had been placed in the hands of persons who refused to become even nominal members of that Church. It was claimed that if such persons were allowed to hold, for a period of twenty-five years, such property as was vested in them, it would seriously endanger the permanence of those foundations. In any case, when the majority of these endowments were founded it was illegal to endow Unitarian places of wor-

ship, and hence such Trusts could not be presumed to exist.

Both the Jewish Relief Bill and the Dissenters' Chapels Bill, then, encountered considerable opposition in the House of Commons; both were subjected to considerable criticism. It could not be argued that the measure to remove 'Jewish disabilities' threatened property, but where property interests were thought to be threatened (in 1844) it is instructive to observe how a House of property-owners rallied to their defence.

4

So far, attention has been paid exclusively to those measures which were the outcome of *laisser-faire* philosophy. The theory of individualism was, however, not allowed to go unchallenged even during the first half of the nineteenth century. It is now our task to examine legislation which placed limits upon the right of the individual to do what he liked with his own.

From the beginning of the century the growing evils connected with a rapidly developing factory system had attracted the attention of well-meaning reformers. Even as early as 1802 a law had been passed to mitigate factory conditions in an attempt to make more tolerable the life of the factory worker. The history of subsequent factory legislation is of great interest for the purpose of this analysis, for it is in this connexion that we can best examine the attitude of a House of Commons, convinced that its most important task was to preserve the liberty of the individual, towards a social problem which could never be adequately solved by the application of the generally accepted principles of *laisser-faire*.

The first thing, indeed, which claims attention is the obvious reluctance of the legislature to deal with this

subject at all. The Factory Law of 1802 was made to apply to parish apprentices only and did nothing for what was rather amusingly called the 'free children'. It was at this point that the philanthropist and socialist, Robert Owen, interested himself in the question of factory reform. The story has often been told: how Owen in 1800 got control of the New Lanark Mills established by his father-in-law, David Dale. In his capacity as an employer he put his theories to the test of practice by reducing the hours of work from $11\frac{3}{4}$ hours a day to $10\frac{3}{4}$, and by excluding children under the age of ten from the factories. Thanks in the main to the prosperous condition of the cotton industry, his experiment proved a success. Owen discovered that his reforms had involved him in only a very slight loss which he hoped would soon disappear. Any hope which he may have entertained that other employers would follow his example was doomed to disappointment; and he is next discovered pressing for a parliamentary inquiry into the whole question of the employment of children and young persons in factories. Meantime, he himself had drafted a Bill which would prevent children under the age of ten being employed in factories, would require that children had reached the statutory age, and would limit the hours of young persons under eighteen years to $10\frac{1}{2}$ a day. In addition, the Bill provided for the appointment of inspectors to see that the measure was enforced.

The Government consented to the request for a parliamentary inquiry, which reported in favour of legislation. But the Bill which found its way to the Statute Book in 1819 was very different from the measure which Owen had drafted. The age at which a child could be employed was reduced from ten to nine years; further, the Bill required no proof of the child's age. Again, children and young persons between the ages of nine and sixteen were allowed

to work twelve hours a day, while the hours of those between the ages of sixteen and eighteen were left unregulated. But perhaps the very worst feature of the Bill was the fact that it made no provision at all for the appointment of factory inspectors. The duty of seeing that the law was enforced was made to devolve upon the local Justice of the Peace, which meant in practice that the law was hardly ever carried out. The Bill, clearly, fell far short of what Owen desired.

The beginning of the second stage of the struggle for factory reform was marked by an agitation organized in the towns of the West Riding of Yorkshire and led by a group of persistent and, in many respects, remarkable men. The signal was given by the publication, in the *Leeds Mercury*, of a series of letters on Yorkshire slavery, written by a Tory land agent, Richard Oastler. There were others who followed Oastler's lead. There was John Fielden, himself a cotton manufacturer, and a Radical in politics; John Doherty, Secretary of the Cotton Spinners' Federation; Philip Grant, a man deeply interested in political and social matters; the Rev. J. R. Stevens, a minister of religion; George Candy, a journalist, and the well-known G. S. Bull, Vicar of Bradford. In the textile towns, Short Time Committees of Spinners and Weavers were elected to second the efforts of these leaders.

Briefly, the object of the movement was to get the hours of labour of women and children limited to ten a day, in the belief that shorter hours would increase costs which, by raising the selling price, would enable industry both to pay better wages and to make a higher rate of profit. In 1831, in the interval during the struggle for Parliamentary Reform, a Ten Hours Bill was introduced by Michael Sadler, who thus was privileged to fire the first shot in a struggle which lasted for sixteen years. The matter was

immediately referred to a Select Committee of the House for consideration. This was an opportunity for the friends of the factory children, and what happened went to prove that Sadler was determined to leave no stone unturned on their behalf. With much energy and consummate adroitness he marshalled his witnesses to such effect that the Committee reported in favour of legislation. But at this point pressure was brought to bear upon the Government. There was a regular outcry against interference on the part of the employers and manufacturers. Doubts were cast upon the evidence of witnesses examined by the Select Committee, to such good purpose that the Government, instead of allowing Sadler's Bill to proceed, or bringing in a Bill of its own, referred the entire matter to a Commission upon which Edwin Chadwick served as a member.

When the findings of the Commission were made public it was discovered that, in spite of previous legislation, the child's day at the factory was as long as that worked by his parents, and that the long hours of work had a deleterious effect upon his health. It was also found that the more enlightened type of employer favoured interference on the part of the Government, but on condition that the Bill should provide for an adequate staff of factory inspectors to see that its provisions were carried out, thus to protect honest from dishonest employers.

The Government could not very well go back upon the Report of a Commission which it had itself set up, and in 1833 the first effective Factory Law was passed. This forbade night work to all young persons under eighteen years; made illegal the employment of children under nine years in all mills except the silk-mills; prescribed that the hours of children under eleven years should be restricted to nine a day or forty-eight a week; and provided that this age-limit should be raised to twelve in a year's time and to

thirteen the year after. Meantime, most important of all, the Bill provided for the inspection of factories. It was Edwin Chadwick who proposed that itinerant inspectors be appointed; and this proposal was accepted.

It is interesting to compare the scope of the Government's Bill with the provisions of Sadler's measure. Thus Sadler had intended that no person under twenty-one should be employed between the hours of 7 p.m. and 6 a.m. The Government, on the other hand, prohibited night work to all under eighteen. Again, Sadler's Bill had provided that all persons under eighteen should not work for more than ten hours a day, with eight hours on Saturday, but this the Government would not accept.

There clearly still remained much to be done by the champions of the factory workers. Unfortunately Sadler was defeated at the polls at Leeds by Macaulay, and the advocacy of Factory Reform in Parliament fell to Lord Ashley. There were demonstrations in Yorkshire in favour of Sadler's Bill, while in the House of Commons Lord Ashley pressed the measure upon the attention of the Government. To no avail; the Ministers had reached the limits of the concessions they were prepared to make, urging that the Bill which they intended to present to the House went further than did Lord Ashley's measure inasmuch as the Government was ready and willing to limit the hours of children to eight a day instead of ten.

For the moment, then, nothing more could be done. However, in 1840 Lord Ashley returned to the attack, urging that a Royal Commission should be appointed to inquire into the employment of the people; and in 1844 Sir Robert Peel introduced and passed a measure which, while it fell short of what the leaders of the Factory Reform Movement asked, did mark a very real step in advance. Thus, although this law permitted children over

eight years to work in factories, the hours for those between eight and thirteen were reduced to six and a half a day; while the children were required to attend school during the rest of the time. Nowadays we have learnt to view the half-time system with considerable suspicion, but when introduced in 1844 it was a very great improvement upon the full-time system which had been the rule up to date. In addition, the hours of young persons and of women were limited to twelve a day, but out of this an hour and a half was to be taken for meals, while on Saturday the working day was reduced to nine hours. Finally, dangerous machinery was to be fenced.

This concession on the part of the Legislature merely served to intensify the agitation in favour of the ten-hour day. Success came finally in 1850, when Parliament prescribed that working hours in factories were to be limited to the hours between 6 a.m. and 6 p.m., or alternatively to between 7 a.m. and 7 p.m., with $1\frac{1}{2}$ hours allowed off for meals. Provision was also made for the adequate enforcement of the law. Thus, at long last, the principle of the sixty-hour week was conceded.

The story of the factory movement briefly and hastily recounted in the previous paragraphs is of interest for our present purpose if only because it shows that the Factory Laws were passed in the teeth of a strong and vigorous opposition. The Ten-Hour movement began in 1831; it succeeded only in 1850. It took nineteen years of arduous effort and agitation on the part of the leaders of factory reform to get the 'Ten-Hour' principle accepted by the British Parliament. The findings of the Commissions of Inquiry appointed to consider the factory problem made concessions inevitable. But the history of the 'Ten-Hour' movement surely proves that these concessions were made tardily and reluctantly. The social conscience had to be

satisfied, but it was the intention of Parliament to satisfy it with the very minimum of reform. The Government's policy was definitely a policy of 'resistance' which, although successful in retarding reform, failed to kill the factory-reform movement.

Of greater interest for us than the history of the movement are the grounds upon which legislative interference with factory conditions was opposed in Parliament. A reading of Hansard makes it obvious that the revelations of Sadler's Committee must have made a profound impression. The House of Commons felt that some limitation of working hours for children was inevitable. On the other hand it is equally clear that the majority of members believed that economic disaster would overtake the country if Lord Ashley's proposal for a ten-hour day were accepted. Thus it was estimated that the Bill would reduce industrial output by one-sixth; that therefore factories would close their doors, also that the workers would be thrown out of employment. The problem for those who opposed limitation of hours resolved itself into the simple question—Was it better to curtail the working hours of a child and thus deprive him of food, or allow him to work longer and thus enable him to earn a livelihood?

It was also urged that the factory-owners ought to be given a hearing in the matter. The House ought not to be moved to hasty action by the revelations of Sadler's Committee. For one thing, too much importance should not be attached to the testimony of the medical witnesses. The majority of the doctors examined by the Committee had no direct practical experience of factory conditions; further, the evidence tendered by some of the other witnesses could also be proved to be unreliable. Finally, the masters themselves had never been given the opportunity to put their case before the Committee; and, seeing that

their property was at stake, it was obviously unfair to rush through Parliament a measure injurious to those interests.

On the other hand, while rejecting Lord Ashley's proposal, there was among members a substantial measure of agreement that the factory children stood in need of some measure of protection. It was argued that the right policy was to leave the matter entirely in the hands of the masters themselves. The men on the spot knew best of the difficulties in the way of reform. They were well disposed towards those whom they employed, and were eager to promote their welfare and happiness. There was as well the further consideration that it would be to the material interests of employers to see that regulations limiting hours were strictly enforced. It was not likely that the unenlightened and unscrupulous employer would be allowed to escape his obligations by those with whom he was in competition. Thus it was best to enlist the self-interest of the employer on behalf of the factory children.

The Government accepted these pleas, rejecting Lord Ashley's measure on the interesting and revealing ground that it would deprive the working classes of their right to do what they pleased with their labour—their only property. It also accepted the contention that to restrict hours to ten a day would spell ruin to British industry. It was on this twofold ground that the ten-hour movement was resisted by the Ministers.

Very little is added to our knowledge of the social theory of the members who represented the 'Great Industry' from the debates on the Mines and Collieries Bill and the Ten Hours Bill. In 1842 great play was made with the fact that the earning of the child was essential to make up the family income; that, therefore, if hours of labour were restricted many a family would be faced with destitution. It was further urged that any measure contemplating State

interference with industry was bound to be dangerous because it might encourage the working classes in the belief that abuses could be remedied by legislation. It was held to be of the utmost importance that Parliament should do nothing whatever which would even tend to give countenance to the belief that the State, by legislation, could exempt men and women from the toil and labour to which all were born.

In 1847, in the debates on the Ten Hours Bill, its critics were obviously well versed in the principles of the classical economists. Competition was extolled by them as the sole source of cheapness, the only test of a sound economic system. This measure, they argued, would raise manufacturing costs. But the employer would not suffer his profits to be reduced. To avoid loss he could either increase his prices or reduce wages. But competition was too keen to allow him to raise his prices. Therefore, the effect of the Bill would be to reduce wages. But assuming that wages were not reduced, profits would be bound to be lowered. Industry would then be crippled, men would be thrown out of work, and the working class would be made to suffer.

Along with this excursion into the somewhat arid principles of the 'dismal science' went criticism of the Bill on the ground that it violated the important principle of the sanctity of private property. By restricting the hours of labour, Parliament was in reality confiscating, without compensation, the only property which the working man possessed—his labour. Members estimated that to reduce working hours from twelve to ten would deprive working men of some one-sixth of their property, which would be equivalent to an income-tax of 16 per cent. on the earnings of those who could ill afford to pay it.

Turning now to examine the theory of those who advocated intervention with industry, one is reluctantly forced to the conclusion that in a sense the factory-reform movement

was unfortunate in its leader in the House of Commons. It is, of course, impossible to doubt the integrity of Lord Ashley's motives; his persistence and tenacity in the face of repeated disappointments are deserving of the praise and credit which he has received at the hands of his biographers. But it must be confessed that in debate he was more inclined to appeal to sentiment than to establish his case upon cold incontrovertible fact. There can be little doubt that an industrial civilization was but little to the taste of Lord Ashley. To his way of thinking the 'Great Industry' had wrought a change in the lives of the people which was unfortunate and altogether deplorable. In the manufacturing districts 'domestic ties' had been broken, life had become mechanized, and the family brought into disrespect. He confessed that he would 'heartily rejoice' to see a limitation of even the hours of adults if he thought that this would persuade men to return to the 'old paths'. 'He conceived the complete disruption which now took place, of all domestic ties in our manufacturing districts to be a most tremendous evil, and it ought to be, if possible, counteracted.'[1] This evil, as he saw it, was due to the persistent refusal of the coal lords and iron lords to recognize obligations towards their employees. In this respect they compared most unfavourably with the landholder. It had become a tradition with the squirearchy to regard its tenants as a responsibility. The squire was prepared to undertake to shoulder duties towards those born to a lower station in life. But the men of the 'Great Industry' refused to acknowledge such duties towards those employed by them. Hence women had been drawn from the home to the factory, and dire and calamitous social consequences had followed.

Yet it should not be thought that Lord Ashley was entirely oblivious of the importance of purely economic

[1] Hansard, vol. 19, 3rd ser., p. 889.

considerations when pressing the case for limitation of hours in factories. During the debate on the Ten Hours Bill he appealed to experience to prove that the Factory Laws then in operation had not placed British industry at a disadvantage in competition with foreign rivals. Hours had been limited by the law of 1819; but it could be proved that between 1820 and 1840 the sterling value of the British cotton export trade had increased by 225 per cent., and that at a time when the French cotton export trade had increased by only 162 per cent. and the American trade by 212 per cent. He also gave figures to show that not only had wages not been reduced at this period but profits had been maintained. In 1819 there were 344 mills in the country; by the year 1839 there were 1,815. This was conclusive proof that in spite of the legal limitation of hours the making of cotton goods was still a profitable business. There was, emphatically, no question of asking the manufacturer to make sacrifices, nor was there question of depriving the working man of his wage. The Bill of 1847 had everything to commend it. It would quiet the discontent of the working classes, and would restore peace to industry.

But it has to be pointed out that even when Lord Ashley was in this practical mood his prejudices against the new industrial order often got the better of him. In discussion he conceded the point to his opponents that reducing hours of work would decrease the volume of production, but argued that, at most, the loss would only be about one-twelfth of the total product. Then he went on to say that even if the whole of this loss fell upon wages, the working classes would gladly and willingly make the sacrifice knowing that they would be more than compensated by better health, by more home comforts, and by the fact that it would then be possible for them to effect those economies

in the management of the household which could not be effected as long as unreasonable hours at the factory wore out the housewife.

Nothing of very great interest was added to the case for factory reform by Lord Ashley's friends and supporters. The Radical economist Colonel Torrens spoke in favour of a ten-hour day in 1833 when he pleaded that the interests of the two partners in industry, workman and employer, were identical. It was thus to the interest of both master and man that the rate of profit should be maintained. If profits fell less capital would be attracted into industry; and so there would be less employment, which meant that less would be paid in wages. Members also insisted that it was good business for the employer to look after the interests of his employees. The working man should be taught to appreciate the fact that neither party to an industrial dispute could emerge the victor. This was, primarily, a matter of education, and the wise employer would afford his workers the necessary leisure and facilities for cultivating the mind. Similarly, other friends of the factory-reform movement stressed the psychological value of limiting hours of work. The Ten Hours Bill would, at any rate, quiet the agitation and unrest which it claimed was rife, and in that way would tend to increase the efficiency of workers in industry.

With the acceptance of the 'Ten-Hour' principle in 1847 the movement which began in 1831 was brought to a successful close; and the life and labours of Lord Ashley and those who helped him were vindicated.

5

It now remains to examine the 'economic' composition of the voting-lists on the measures discussed in the preceding sections.

The repeal of the Corn Laws was not, strictly speaking, a party question at all. Richard Cobden had always held the Whigs suspect in the matter of their zeal for repeal. Nothing serves better to emphasize this suspicion than the letter which he wrote to George Wilson of Durham on October 4, 1843:

'Now your best plan at Covent Garden on Thursday will be to prevent the Whigs playing us off against the Tories, by declaring that the City election was a trial of strength not between the League and the Ministry, or between the League and the Tory party, but between Free Trade and Monopoly. There is no way so certain of bringing the Whigs to our ranks, as by showing them that they will not be allowed to make a sham fight with the Tories at our expense. Depend on it the Whigs are now plotting how they can use us and throw us aside. The more we show our honesty in refusing to be made the tools of a party, the more shall we have the confidence of the moderate and honest Tories.'[1]

Disraeli was of opinion that the question of repeal would split both parties. The measure was, of course, carried by a Government which was in name Tory. But as is well known the leader of that Government only succeeded in introducing the measure at the expense of splitting, from top to bottom, the party which he led. Sir Robert Peel seceded from the main Conservative party, carrying with him his followers, who came to be known as Liberal-Conservatives.

A study of the actual voting on the Bill reveals the following interesting and significant facts. In the House elected at the general election held in 1841 there sat 495 landowning interests and 239 commercial and industrial interests. On the second reading 176 landholders voted for, and 184 against, the Bill. On the third reading the figures were 203 in favour and 197 against. Meantime, 187 indus-

[1] Quoted in Lord Morley's *Life of Richard Cobden*, p. 289.

trial and commercial interests went into the Government Lobby on both the second and third readings, as compared with 66 on the second and 75 on the third against the Bill.

Several points emerge from this analysis. To begin with, it is clear that the landholding interest did not, on either occasion, poll anywhere near its full strength—360 on the second and 400 on the third reading out of a total of 495. On the other hand, 253 commercial and industrial interests went to the lobbies on the second reading and 262 on the third. Thus the figures show that a greater number of these interests voted than sat in the House returned in 1841. By-elections had probably added to the number of these interests, a hypothesis which seems to gain support from the fact that at the general election held in 1847 over 300 business interests were returned to the Commons. Broadly speaking, then, it is quite clear that Land was more indifferent to the measure than were business interests. Further, a more detailed analysis of the behaviour of these interests merely serves to stress the same fact. Thus, if we consider textiles, we discover that, of the 14 representatives which composed this group in the House elected in 1841, 13 went to the lobbies—12 voting for repeal and 1 against on both second and third readings. Similarly, of the 55 merchants returned in 1841, 52 voted on the second and 54 on the third reading. Twelve of these voted against the Government on the second reading and 13 on the third, while 40 and 41 respectively were in favour.

Finally, not only do these analyses prove that the Government derived its main support from members representing Industry and Commerce, but they also show that loyalty to party did not explain their conduct. To make this point clear it is enough to consider the behaviour of two or three groups. Sixty-three finance interests were

returned to the House in 1841. Of these, 31 were Liberals, 28 Conservatives, and 4 Radicals. The Liberal and Radical parties together thus contained 35 of these interests. Yet in the divisions 43 finance interests voted for the Bill on both second and third readings. The shipping group merely emphasizes the same point. Six shipowners out of a possible 7 were in favour, when analysis by party showed that 4 shipowners were Liberals and 3 belonged to the Conservative party. As a final example let us consider the 'miscellaneous manufacturers' group. This was 14 strong in the House and was composed of 9 Liberals and 4 Conservatives and 1 Radical. On the third reading, 13 out of the 14 went into the lobbies; 12 were in favour and only 1 against the Bill.

Clearly these analyses have established the fact that the economic interests likely to benefit from the repeal of the Corn Laws were its chief support; also that loyalty to party was on this occasion disregarded. On the other hand it must, of course, be borne in mind that the Bill did not command the entire support of either of the two large parties in the House.

Broadly, the same conclusions are to be drawn from an analysis of the movement of interests upon that other free trade measure, the Repeal of the Navigation Laws in 1849. Approximately 58 per cent. of the industrial and commercial interests returned to sit in the House elected in 1847 voted in favour of the Bill when it came up for second reading, while only 37 per cent. of the landholding interests voted against on the same occasion. Thus, bearing in mind that the landowners were the chief opponents of repeal, it is clear that their devotion to their convictions was never as great as that of the 'newer' interests.[1]

[1] On the second reading 173 landholding interests voted against the Bill as compared with 150 in favour. These figures compare with

As on the occasion of the repeal of the Corn Laws, so now, loyalty to party was not observed. Of the 308 representatives of commerce and industry returned to Parliament in 1849, 167 were returned as Liberals. Yet 178 business interests voted in favour of the Bill on the second and 175 on the third reading. In this connexion it should be added that 21 business interests figured in the Radical party in 1849. If, therefore, it is assumed that all but the entire Liberal-Radical group went into the Government Lobby, it can be argued that loyalty to party is enough to explain the character of the division. This conjecture may, of course, be correct, but the probability is that industrial and commercial interests belonging to the Conservative party voted for the Bill.

Very little of interest can be gathered from an analysis of the divisions on either the Poor Law Reform Bill of 1834 or the General Enclosure Bill of 1845. It has already been made clear that the House was almost unanimously in favour of both measures. It is thus possible to dismiss the latter by merely pointing out that the Bill passed its third reading without a single vote being cast against it. On the other hand the House was divided on both the second and third reading of the Poor Law Reform Bill, but only 20 members voted against it on the second reading and only 50 on the third. Clearly there is no sufficient body of evidence here for any general conclusions to be drawn. It might, however, be of some interest to point out that in the group of 20 we find 14 industrial and commercial interests as compared with 10 landholding interests, while in the group of 50 there were 32 interests representing Commerce and Industry as compared with 25 representing Land.

85 business interests against and 178 in favour. An analysis of the third reading confirms this result.

Both the Jewish Relief Bill and the Dissenters' Chapels Bill were pressed to a division on the second and third readings. Both secured substantial majorities. On the second reading the Jewish Relief Bill was passed by a majority of 91;[1] the Dissenters' Chapels Bill got a majority of 190 on the second and 120 on the third reading.

If the economic character of the voting-lists on the second reading of the two Bills is analysed, the following results are obtained. The numerical group of 65 members voting for the rejection of the Jewish Relief Bill in 1858 contained: landholding interest 50 per cent., industrial and commercial interests 21 per cent. As compared with this the numerical group of 156 members in favour of the Bill contained: landholding interest 26 per cent., industrial and commercial interests 49 per cent. The group of 307 members in favour of the Dissenters' Chapels Bill of 1844 contained: landholding interest 43 per cent., industrial and commercial interests 33 per cent.; while the numerical group of 117 voting against it contained: landholding interest 58 per cent., industrial and commercial interests 23 per cent. It is suggested that the unmistakable difference of composition between these groups is not merely accidental. In the groups voting against both Bills the landholding interest predominated over the business interests. It is true that this predominance was not so marked in 1844 as in 1858, which can be explained by the fact that, whereas the Dissenters' Chapels Bill was a Conservative Bill, the Jewish Relief Bill was sponsored by a Liberal Government. There were in 1858 no claims of party upon their loyalty to restrain Tory landowners from voting against the Bill.

This analysis shows the House of Commons, on yet

[1] Hansard unfortunately gives no division list for the third reading, which was carried on July 21 by a majority of 74.

another occasion, behaving like a functional body. Landholding was concerned with defending the traditional supremacy of the Established Church in a social and political system which it felt was in danger of overthrow at the hands of men of business who favoured greater equality between religious sects and the removal of invidious distinctions between citizen and citizen on grounds of religion.

Thus far, attention has been paid exclusively to those measures which were in harmony with *laisser-faire* principles. The analyses have shown that in the main the representatives of economic interests were concerned to voice the desires of the 'constituencies' which returned them. The same is true if we examine the character of the divisions on the Ten Hours Bill in 1847. The boot was now, of course, on the other foot. Factory legislation touched the interests of the manufacturer, and touched them closely. It therefore does not surprise us to find that the Bill of 1847 derived its main support from the landholding interests in the House. On the second reading 195 members voted for the measure and 87 voted against it. On the third 151 voted in favour and 88 against. An analysis of the economic composition of these groups gives the following results: in favour on the second reading, 149 landholders and 126 other interests; in favour on the third reading, 113 landholders as compared with 102 other interests. Against, on the second reading, 49 landholders and 87 other interests; against, on the third reading, 50 landholders and 87 other interests. Again, if business interests, voting against the measure, are taken into account, we find that such a group is larger than the landholding group on both occasions.[1]

Clearly, then, it may with safety be deduced that on

[1] Larger by 10 on the second and by 11 on the third reading.

these measures the House of Commons behaved as though it were a body recruited from economic rather than geographical constituencies. To quote the words of Bernard Cracroft:

'There is a homely saying, that a man's skin sits closer to him than his shirt. And, without any imputation on their good faith, so it is with Members of Parliament. Single individuals are no doubt capable of preferring the interests of others to their own. Single Members of Parliament, with personal interests of their own, may prefer public to private considerations. But, in the case of classes dealing with class interests, it is the law of their being that they should consider themselves paramount and necessary to the public welfare. Thus an individual landowner may be indifferent to the claims of land, and vote against them where he thinks it right; but a class of landowners, whomsoever else they represent, will have a tendency first to represent themselves. That tendency may be checked, controlled, overruled—it sometimes is—but it is always there.'[1]

[1] *Essays on Reform*, 1867, p. 159.

V

THE HOUSE OF COMMONS AT WORK— SECOND PERIOD

I

THE Bills with which we shall be concerned in this chapter had as their object the purpose of extending the sphere of State control both over individuals and over private property. Whether or not it is desirable that the State should encroach upon the free initiative of the individual is an interesting and arguable question, and indeed much ingenuity has been expended in an effort to define precisely the proper limits of State interference. We are not called upon to take part in this controversy here. It will be sufficient for the purpose we have in view to remind ourselves that the main trend of legislation during the latter half of the nineteenth century was in the direction of Collectivism. As illustrating this partiality for collective action there are the two laws passed, one in 1871 and the other in 1875, which relieved the trade unions of disabilities to which they had been subject. It was the express object of these two measures to legalize the principle of collective bargaining.

In this connexion a brief description of the legal position of trade unions prior to the Act of 1871 will help us to understand the problem as it presented itself to Parliament that year. The repeal of the old Combination Laws in 1824 had not freed the unions of legal disabilities. It was still possible for sentences of barbarous severity to be passed on union members on the ground that the law forbade unlawful oaths to be administered. The classic example of such persecution is the case of the six Dorchester

labourers. Again, the Law of Master and Servant made it a criminal offence to leave work unfinished, and thus banned all strikes. Finally, picketing—even peaceful picketing—was held by the courts to be intimidation. These disabilities, and the added fact that the law of 1825 was invariably interpreted by the judges in a way which clearly convicted them of anti-working-class bias, made collective bargaining impossible. The fact is that prior to 1871 trade unions had no legal status.

A Royal Commission to inquire into the activities of trade unions was appointed in 1867. Its report was entirely favourable to the unions, recommending that they should receive full legal recognition. Parliament acted upon this report, and, in the words of one eminent authority on the legal aspects of trade unionism, in the Bill of 1871 'It... did not distinguish... between the benevolent and trade purposes of a trade union, but frankly legalized a society even though it were in restraint of trade at Common Law.'[1]

This Act, then, was an honest attempt to remove disabilities under which the trade unions had laboured. The law, however, was being interpreted in such a way as to reduce the right to combine to the merest farce. There was the case of 1871, when seven women were sent to prison in South Wales for saying 'Bah!' to a blackleg; and numerous convictions for using bad language were secured on the ground that bad language was used with the intention to coerce. But the most important legal decision of all was the judgement delivered by Mr. Justice Brett in the Gas Stokers' case, which upheld the principle that '... for a number of workmen to strike in breach of contract to procure the reinstatement of a dismissed employee, without using any specific threat or violence, was an

[1] Slesser, *The Law relating to Trade Unions*, pp. 35–6.

improper molestation of the employer's right to employ whom he would within the Act, and was therefore criminal'.[1] This judgement crippled the trade-union movement, and it was to nullify its effect that a Conservative Government passed the Conspiracy and Protection of Property Act in 1875.

The Elementary Education Act of 1870 is likewise an important measure inspired by the same belief in a theory of Collectivism. Before 1832 the State had recognized no responsibility in respect of education. In 1833, however, a beginning was made when parliamentary grants were voted for voluntary educational associations. Nevertheless it can hardly be maintained that, before 1870, Parliament had regarded it as its duty to assume complete responsibility for the education of its citizens. As outlined by Mr. W. E. Forster, who introduced the Education Bill, the purpose of the Government was both to provide the country with an adequate educational system and to compel parents to take advantage of the facilities thus provided. The State was now proposing to legislate, as Professor Dicey has explained, to provide equal facilities for its citizens.[2]

This same purpose is discoverable in the Employers' Liability Act of 1880, which provided that compensation should be paid to a working man who had met with an accident due either to defective machinery or to negligence on the part of a person to whom the duties of supervision had been entrusted by the employer. There was also the Workmen's Compensation Act of 1897 which supplemented the Act of 1880 by instituting a scale of damages for injuries sustained while at work. Finally, there were the two important Irish Land Laws, passed at this period,

[1] Slesser, op. cit., pp. 33–4.
[2] See *Law and Opinion in England.*

the one in 1870 and the other in 1881. These again showed the State interfering to secure the common good. The right to 'free contract' was restricted by law in the interests of the Irish tenant. These measures are fair samples of a partiality for Collectivism, and it is with them that we shall be concerned in the pages which follow.

2

On February 17, 1870, Mr. W. E. Forster, as the Minister responsible, asked leave to introduce a Bill providing for Elementary Education. The problem as he saw it was twofold. There was need to cover the country with good and efficient schools; secondly, reluctant parents would have to be compelled to educate their children. The Government, he pointed out, had much experience to guide it in this matter. Considerable sums of public money had already been voted for educational purposes, but on inquiry it had been found that the voluntary system, even when helped from the public purse, was wofully inadequate to satisfy the needs of the country. As an illustration Mr. Forster cited the case of Liverpool, where out of 80,000 children between the ages of five and thirteen who ought to receive instruction, 20,000 attended no school of any kind, while another 20,000 attended schools which were so bad as to be practically worthless as educational institutions.

The Bill which he proposed to introduce to remedy this unsatisfactory state of affairs was in the nature of a compromise. It was not intended either to supersede or abolish the old system, but '. . . to complete the present voluntary system, to fill up gaps, sparing the public money where it can be done without, procuring as much as we can the assistance of the parents, and welcoming as much as we rightly can the co-operation and aid of those

benevolent men who desire to assist their neighbours'.[1] On the other hand, the Government was determined that all the schools in the country should be efficient and suitable for the purpose of imparting instruction to the children attending them. Thus Mr. Forster proposed that all schools admitting Government inspection should in future be aided by an Exchequer grant, but on conditions laid down by the central authority. These conditions would be such that grant-aided schools would have to be maintained at a standard of efficiency prescribed from time to time by Parliament. Secondly, inspection of the schools would be compulsory, and to avoid all sectarian bitterness it would be undenominational in character. Finally, a Conscience Clause would be included in the Bill giving parents the right to withdraw their children from any religious instruction to which they might object; at the same time certain safeguards would be provided to make certain that no child would be hampered in his studies.

Certain points of interest and importance about this scheme merit attention. In dealing with the financial aspect of the Bill Mr. Forster was careful to stress the reluctance of the Government to provide education which would be entirely free for all. The Minister, for one thing, was not prepared to forgo the substantial fees paid by the parents, nor in truth did he believe in the principle of free education. If, he argued, the working classes were exempted from payment in respect of elementary education, the middle classes would begin to agitate for a free higher education. To avoid such discontent it was intended that the cost of education should be borne in the proportion of one-third by the parents, one-third by the taxpayer, and one-third by the ratepayer; with the provision that whenever the education rate exceeded threepence in the pound the

[1] Hansard, vol. 199, 3rd ser., pp. 443–4. W. E. Forster.

difference would be made up by a special grant from the Exchequer. To this rule the Government was prepared to make two exceptions. In the first place, it was willing to set up free schools in such areas as the School Boards could prove to be destitute. Secondly, these Boards would be empowered to issue tickets granting exemption to parents unable to pay for the education of their children.

Such being the scope and nature of the Education Bill, it seems clear that the Liberal Government was guided in its policy more by considerations of expediency than by principles rooted in conviction. There is, indeed, nowhere in Mr. Forster's presentation of the case for an adequate, efficient system of elementary education an acceptance of the view that it was the moral duty of the State to educate its citizens. The Government clearly proposed to proceed by the traditionally British 'rule of thumb' method. The old system was defective. It was therefore intended to invoke Parliament to provide a remedy which was in essence a compromise, and which was never intended to be anything but an attempt to patch up a system, admittedly defective.

But why should the State interest itself in the problem of education at all? Mr. Forster gave two reasons. In the first place, a sound system of elementary education was essential to assure the industrial and commercial prosperity of the nation. It was idle to make provisions for technical instruction without first preparing the working classes to receive it by giving them a sound elementary education. Education was held to be a valuable business asset. It was a primary need if the workers in this country were to hold their own in competition with their well-taught rivals in other countries. In the second place, in a society which enjoyed a democratic system of government widespread education was indispensable. Mr. Forster, of course, did

not subscribe to the illiberal belief that the electorate ought to be educated before being given the vote. But he did maintain that, once the vote had been given and the people were in possession of political power, then no effort should be spared to secure good, efficient, and stable government. So, where there was a political democracy, education could be withheld from the people only at grave risk.

A study of the debates on the Bill serves to show that the compromise which it represented was acceptable to the majority in the House. Indeed, the only strong body of opinion which was critical of the measure was that of members who challenged it in the Nonconformist interest. Hence the debates tended to degenerate into a religious sectarian squabble between Nonconformity and Anglicanism. Members putting the Nonconformist case urged that the measure was just a patchwork and could not claim to be a solution of the problem. The Government, they argued, knowing full well the unsatisfactory character of the existing educational system, nevertheless was foolish enough to propose that it should be subsidized from the public purse. Further, the principle of denominationalism in education was actually fostered by the Bill. Although the Government professed to hold the balance evenly between the denominations, in practice its Bill would favour the Anglican Church. As proof of this it was pointed out that, of some ten million pounds distributed as parliamentary grants for education between the years 1839 and 1868, six million had been paid over to Church schools, while other Protestant and Catholic schools had had to rest content with just a paltry £1,600,000. It was now sought to perpetuate this obvious injustice. The pith and substance of the Nonconformist case was admirably put in the words of a member zealous for the cause:

'You take the sect or Church which already enjoys all the ecclesiastical endowments of the State, which monopolizes all the educational endowments of the country, from the Universities down to the smallest parochial charity school, and which monopolizes besides almost all the other charitable endowments of the country, and which finally includes among its members almost all the wealthiest classes, and to this sect thus favoured you give the whole, or nearly the whole, of the sums voted by Parliament for the aid of Education.'[1]

In the rural districts especially the effects of the measure would undoubtedly be to increase the power of the Church over the people, and to compel every householder to contribute, by way of rates, to the upkeep of schools the character of which he might or might not approve. What was wanted, it was urged, was a system of secular education. Religious teaching should be given in Sunday Schools. Nor was there any reason for believing that secular schools would be irreligious. On the contrary the duty to lead a Christian, God-fearing life could be taught quite as well in secular as in denominational schools.

Such were the main points raised by the Nonconformist opposition. The Government was not challenged to a division on the second reading, but when the Committee stage was reached the attack on the Bill was renewed in a series of four amendments designed to convert the measure into one providing for a complete national and secular system of education. In addition, two amendments were proposed in the interest of keeping intact the existing system. Nothing new was added to the Nonconformist case in the speeches of members who proposed the first four amendments; the two amendments proposed in the interest of the Anglican Church were overwhelmingly rejected.

[1] *Vide* Hansard, vol. 199, 3rd ser., p. 1970.

This same desire to equalize advantages between classes and individuals by State interference is found in two other pieces of legislation passed during this period—the Employers' Liability Act of 1880 and the Workmen's Compensation Act of 1897. The need for both measures can be quickly summarized. As the law stood, an employer was held liable for injuries to others when such injuries were traceable to his own personal negligence. Further, he was also held responsible for injuries to a third party due to the negligence of his employee. There was, however, one exception; the responsibility did not arise when the third party was also a person employed by him. Such a distinction as the law drew between an employee and another third party, the Government in 1880 believed to be unfair; and, broadly, its object was to provide that the employer, in addition to being held responsible for his own personal negligence, should also be held responsible for damages when his own workmen suffered injury owing to the negligence of persons to whom he had deputed the exercise of his power, as master, instead of exercising it himself. It was the Government's intention to restrict the defence of 'common employment' to fewer cases. With regard to the Workmen's Compensation Act of 1897, the Minister[1] in charge of the Bill explained that he would not propose either to repeal or modify the Act of 1880, but to supplement it by a scale of damages. Thus, when a workman was killed outright the compensation payable would be equal to the sum of his yearly wage for the three years preceding his death, or £150, whichever was the greater, providing, however, that the sum should never exceed £300. Secondly, when incapacitated through injury an employee would be entitled to a weekly payment after the second week not exceeding 50 per cent. of his weekly earnings at

[1] Sir Matthew White Ridley.

the time of the accident, but such weekly payments were not to exceed £1. Finally, where the injury was directly traceable to the negligence of either the employer or of those to whom he had delegated his authority, he would still be liable to be sued under the Act of 1880, but with the provision that he could not be made to pay compensation both independently and under the Bill.

It shows a remarkable change of attitude towards political and social problems that neither of these Bills was challenged to a division on either the second or the third reading. But attempts were made in Committee to amend both Bills. An amendment proposed to the Bill of 1880 would, if it had been passed, have compelled the Government to withdraw its measure; however, it was rejected by an overwhelming majority. Three amendments were proposed to the Bill of 1897, but, significantly enough, all were designed to enlarge rather than restrict its scope. It must also be pointed out that no strong body of opinion in the House objected to the principle involved in the Bill. It is true that in 1880 some members of the Opposition argued that the measure would entail endless litigation (damages from an employer being recoverable in a court of law); that it would also prove a heavy drain upon the resources of the employer, and would, therefore, be detrimental to business interests. Further, it was complained that the Bill was unjust because, in making the employer responsible for defects in machinery supplied to him, it fathered upon him the neglect of the engineer, architect, and builder. Finally, it was urged that the measure was inadequate because it was not sufficiently comprehensive. It made no provision for men employed in dangerous industries like coal-mining, where accidents could be traced neither to the negligence of the employer nor of a person employed by him.

These objections were raised exclusively to the details of the Bill. What is revealing is the fact that not a single member of the Opposition should have raised any objection to the principle that it was within the province of the State to interfere with industry. The rightness of that principle was never questioned in 1880; what was canvassed was merely the merits and demerits of rival schemes to ensure that, by collective action, the maimed, the injured, and the dependants of those killed in industry would not be condemned to suffer. Hence those opposed to the Government's plan proposed that a large central fund, to which both employer and employed would contribute, should be established. Out of such a fund those incapacitated by accident from following their occupation should receive compensation. On behalf of this scheme many advantages were claimed. It would obviate the need for long and costly litigation; it would not engender bad blood between employer and employed; and it would not make the employer more careless because the safety of his own property as well as the health and safety of his workmen was involved in case of accident. There was difference of opinion in plenty on the best way to secure protection for the working man; but it can hardly be maintained that there was in the House of Commons of 1880 any real body of opinion prepared to argue that the working man, by his own unaided efforts and thrift, should provide against accidents to which he was liable while following his daily occupation.

When the House came to debate the Workmen's Compensation Bill of 1897, objection was raised to it on the grounds that it was badly conceived, and that it embodied a principle which was dangerous and obnoxious. It has already been pointed out that on neither the second nor the third reading was the Opposition strong enough

to challenge the Government to a division. This is all the more remarkable since the measure represented an advanced type of collectivist legislation, Sir Matthew White Ridley being at pains to stress the fact that the workman would not be allowed either to deprive himself or to be deprived of the benefits to which he was entitled under the scheme. Thus, although the measure permitted employers and workmen in an industry to formulate their own schemes of compensation, it also provided that all such schemes would have to be submitted to the Registrar of Friendly Societies, whose certificate, to the effect that the schemes proposed were not less favourable to the workman than the provisions of the Bill itself, was necessary before they could become operative. As the Minister pointed out, the broad principle which the Government asked the House to accept was the principle that the workman had a right to compensation, not at the expense of either the rates or public charity, but of the industry in which he was engaged.

The strictly technical and economic objections to the proposal may quickly be summarized and dismissed. It was argued that the measure was not sufficiently comprehensive. It applied, and was intended to apply, only to those employed in or about a railway, factory, mine, quarry, or engineering works. It therefore, by excluding other trades in which employees were liable to accidents, drew an unwarranted distinction between different classes of workmen. Again, in refusing to repeal the Act of 1880 the Government had failed to do away with the abuse of litigation. The workman seeking compensation was still to be left with a choice of alternatives. He could refuse to recognize the Government's schedule and take his case to court if he thought that he could secure a heavier indemnity by so doing. Further, no inducement was

offered by the Bill to the employer to exercise greater care. He was now to be enabled to throw his responsibilities upon an insurance office, and thus hide his carelessness. It would, indeed, have been far better if the Government had followed the German plan in the matter. In Germany the employers were banded together in an Association to which application for compensation was made in respect of both avoidable and unavoidable accidents. If, upon inquiry, it was found that an employer had been careless, his Association had recourse against him. This plan had obvious advantages. Liability in respect of accidents was made a collective liability which was itself a guarantee that the claims of those entitled to compensation could be met; at the same time, the fine which his Association was empowered to inflict upon him for carelessness and neglect was an inducement for the employer to take every precaution against mishaps. Then there was the further point that the Government's Bill would encourage the formation of trusts and monopolies. The financial burdens which it was intended to lay upon industry would have the effect of squeezing the small man out of business, thus doing harm to the backbone of the industry of the country.

Turning to consider the economic aspects of the Bill, its critics urged that in the case of those industries which produced for the home market its burden would be borne by the consuming public in the shape of higher prices. In the case of industries which produced for the foreign market the charge would fall upon wages and would be paid out of the pocket of the working classes, seeing that manufacturers could not possibly raise their prices in face of foreign competition.

More interesting than the technical and economic objections just analysed were the attacks levelled against the Government's proposal upon grounds of principle. Even

in 1897 there were within Parliament a few who viewed with distrust and dismay the prevailing trend in legislation. Socialism was their bogy, and their objection to the measure was grounded upon the fear that it would commit the country to socialistic experiments. Such critics upheld the view that the working man, by his own unaided efforts, ought to provide against such contingencies as accidents incidental to his occupation. The worker was in receipt of good wages; he had his union to protect his standards of life; there were also friendly societies ready to accommodate him whenever he wanted to make provision against occurrences which could not be foreseen. Thrift indeed was a virtue which ought to be cultivated and fostered; but the Government was seeking to discourage it. It was already being dubbed a doctrine invented by the capitalist; and now, apparently, it was intended to bestow the blessing of the legislature upon this sentiment. Having begun with this principle the Government had no alternative but to continue with it. Friends of the measure had urged that it would be of benefit to the whole community. If that were so it was but elementary justice that the public at large should be asked to pay for the benefit. In short, the scope of the measure ought to be extended to include all industries, and the cost of the scheme should be thrown on the public purse.

It has to be pointed out that such critics as these were few and far between in 1897. The House of Commons and presumably the country at large were no longer alarmed by the word 'socialism'. In reply to critics who made the allegation that the Bill infringed the principle of 'free contract', Sir Matthew White Ridley said: 'There is no such thing as freedom of contract in this country or any other. We make our own arrangements as regards houses or farms under the conditions of the law, which lays down

certain conditions with which you must comply.'[1] In reply to those members who complained that the Bill was a step in the direction of socialism Mr. Asquith, while admitting that the measure was defective in many respects, argued that it was a step in the right direction. He also foretold that in the near future, on grounds of public policy, the whole community would be called upon to pay compensation to a workman injured while engaged at his work. This might be socialism, he said, but '. . . I am not afraid of the name, and I am not afraid of the thing'. This is, indeed, a far cry from *laisser-faire* 'Do-nothingism'.

3

Perhaps no pieces of legislation better illustrate the tendency towards Collectivism during the latter half of the nineteenth century than the two Trade Union Acts which were passed, the one in 1871 and the other in 1875. The very *raison d'être* of trade-unionism is of course to enable the working man, through co-operation with his fellow workmen engaged in the same industry, to secure the best price possible for his labour. The employer bargains not with an individual but with a body of men; and this arrangement seeks to equalize matters as between the two parties to the wage bargain. It is, in substance, a guarantee that the employer, by reason of his superior economic strength, shall not be able to compel his workmen to accept an unreasonably low rate of wages.

That opinion in the House of Commons was ripe for some amendment of the law relating to trade unions is shown by the fact that neither the Liberal Government's Trade Union Bill of 1871 nor the Conservative Government's Conspiracy and Protection of Property Bill of 1875 were challenged on either the second or third readings.

[1] Hansard, vol. 49, 4th ser., p. 699.

Amendments were proposed to both measures at the Committee stage, but it is deserving of mention that neither Bill was challenged in principle. Moreover, the debates on both measures were very brief; in fact, the debates on the Bill of 1871 occupy only some twelve to thirteen pages of Hansard.

Mr. Bruce, the Home Secretary who was in charge of the Bill of 1871, prefaced his explanation of it with a history of the relations between the State and the labour problem. He showed that there was nothing new in what he had to propose; on the contrary, ever since the days of Edward III public authority had interfered periodically to regulate wages. There was the Statute of Labourers, which was followed by the Elizabethan Statute of Apprentices, repealed only in 1816. Mr. Assheton Cross also, who was in charge of the Bill of 1875, restated the same contention when, referring to Elizabethan labour legislation, he asserted that free contract between employer and employed had never been an accepted principle of English law.

Hence the way was prepared for the introduction of two measures which, in recognizing the legal right of the working class to combine effectively to further its own interests, was yet another step away from individualism. The Government had intended that the civil and criminal disabilities from which trade unions suffered should be removed by the Bill of 1871. By 1875 experience had proved that, whatever the intention of the legislature may have been, the law had been interpreted in such a way as to paralyse trade-union activity. The old rule making illegal 'conspiracy in restraint of trade' was still being applied. Thus in 1875 it was proposed 'That an agreement or combination of two or more persons to do, or to procure to be done, any act in contemplation or furtherance of a trade

dispute between employers and workmen shall not be punishable as a conspiracy, if such act as aforesaid, when committed by one person, would not be punishable as a crime.'[1]

But while, in the name of justice, prepared to concede a measure of legal freedom to the unions, the Government and the House were, in 1871 and 1875, anxious to make certain that freedom should not be allowed to degenerate into licence. It was far from Mr. Bruce's intention in 1871 to abolish completely what the law held to be a crime. 'Intimidation' and 'molestation' would still be illegal under his Bill, but these crimes would now be defined by Act of Parliament, thus seeking to make certain that no injustice should be done in the administration of the law. Similarly, a union would be fully protected in the matter of its funds, but only on condition that it registered as a friendly society. The same caution was observed by Mr. Assheton Cross in 1875, when he proposed to place workers engaged in public utility services on a different footing from workmen in any other industry. Thus, whenever the employee of a municipality or of a public company, to which was entrusted, by Act of Parliament, the task of supplying a city or other place with gas or water, wilfully broke his contract, knowing the possible consequences of his action, such conduct was to constitute a special offence.

Yet, in spite of the caution displayed by these Ministers, there was not, in the seventies, the same uncompromising attitude of hostility towards trade unionism as there was, say, in the days of Francis Place. In an interesting discussion of the question whether the unions were desirable or not Mr. Bruce averred that he was not prepared to condemn them unreservedly. Their original purpose had been to defend the interests of the working classes, and in many respects

[1] Hansard, vol. 224, 3rd ser., p. 1684. R. A. Cross.

their activities had been most beneficial, not only to their members but also to society. For one thing, they had performed a useful function as friendly societies. Again, by adjusting the balance between the supply of and the demand for labour they had done much to mitigate the social and economic evils which accompanied industrial fluctuations. On the other hand, many of their restrictive regulations could not be defended. Instances of abuses were discoverable on all hands: among them, restrictions on the employment of children in industry, union regulations designed to prevent the employment of certain persons, and regulations which laid down conditions upon which workpeople were to be employed. There were, in addition, others equally obnoxious, such as those which limited the number of apprentices in a trade.

What is of very great interest in this discussion is the Liberal party view of the function of trade unions in society. It is clear that Mr. Bruce was prepared to applaud and justify trade unions just so far as they confined themselves to such activities as did not challenge the principles upon which the economic order was built. As long as the trade union played the role of a 'glorified goose and coffin club' it won the approval of the Liberal Government. If, on the other hand, it became ambitious, seeking for itself the power to participate in the active control of industry, that was to be deplored and to be condemned out of hand. But in spite of alleged abuses Mr. Bruce was not prepared to introduce anti-trade-union legislation. He maintained that it had been shown again and again that repressive legislation, designed to uproot economic fallacies, was utterly futile and bound to be ineffective. The function of the State in an industrial dispute was 'to keep the ring', to remain strictly neutral and thus prevent either side from having an unfair advantage over the other.

In the general debates on these two measures little was added by members of the House, by way of criticism, to what has already been analysed. It was agreed that the working class ought to have the legal right to combine; for only through combination and union could it bargain on terms of equality with its employers. The time-honoured theory of the economists that the price of labour should be fixed, like the price of any other commodity, by the free operation of the laws of supply and demand, was denounced as brutal. At the same time members were alive to the fact that trade-union regulations were, in many ways, thoroughly vicious. But it was agreed that the right policy in the matter was to wait until the gradual spread of education would convince trade unionists of their futility.

There was, therefore, remarkable unanimity of opinion, within the House, on the question of trade unionism. Certain criticism of detail of the proposed measure was made; but in the last thirty years of the nineteenth century, so completely had Benthamism been forgotten that not a single protest was made in its name.

4

Analysing the programme of the Irish Land League T. H. Green wrote: 'The agitation of the Irish land league strikes at the roots of all contract, and therefore at the very foundations of modern society; but if we would effectually withstand it, we must cease to insist on maintaining the forms of free contract where the reality is impossible.'[1] The essence of Mr. Gladstone's two Irish Land Bills of 1870 and 1881 was to restrict the application of free contract to land.

Lord Morley has told us that it was only with very great

[1] *Works of T. H. Green*, vol. iii, p. 382, quoted in Morley's *Life of Gladstone*, vol. ii, p. 215.

difficulty that the Liberal Cabinet was persuaded to interfere with the Irish land question at all. As he has pointed out, that body 'was in the main made up of landlords, lawyers, hardened and convicted economists,—not economists like Mill, but men saturated with English ideas of contract, of competitive rent, of strict rule of supply and demand'.[1] But the remarkable thing is that once Mr. Gladstone's plan was accepted by the Cabinet it passed through a House of Commons consisting of landlords, industrialists, and business men with surprising ease. The Bill of 1870 was pressed to a division on the second reading, but only 11 members voted against it as compared with 442 in favour; and the House was not divided at all on the third reading. Further, we have it on Lord Morley's authority that 'The bill was at no point fought high by the opposition'.[2] The Bill of 1881 encountered more resistance, the House being divided on the occasion of both readings, while the debates were much more acrimonious than in 1870. Yet the Government majority on the second reading was 176, and on the third 206. Further, only 14 members voted against the Government on the third reading.

Thus was encompassed with comparative ease a far-reaching revolution. Commenting upon the two measures, Professor Dicey wrote that they 'are the negation of free trade in land, and make the rights of Irish landlords and of Irish tenants dependent upon status, not upon contract'.[3] 'We talk', wrote Lord Morley, 'of revolutionary doctrinaires in France and other countries. History hardly shows such revolutionary doctrinaires anywhere as the whig and tory statesmen who tried to regenerate Ireland in the middle of the nineteenth century.'[4] The same remark might be made to apply to the Gladstonian proposals of the last thirty

[1] *Life of Gladstone*, vol. i, p. 685.
[2] Ibid., vol. ii, p. 695.
[3] *Law and Opinion*, p. 264.
[4] Op. cit., vol. i, p. 689.

years of the century. As the Irish historian Lecky, writing of the Irish Land Bill of 1870, has put it, it was only a few who 'clearly foresaw that it was the first step of a vast transfer of property, and that in a few years it would become customary for ministers of the Crown to base all their legislation on the doctrine that Irish land was not an undivided ownership, but a simple partnership'.[1]

Mr. Gladstone himself introduced the Bill of 1870 in a speech in which he reviewed exhaustively the situation in Ireland. Ireland, he said, was seething with discontent, and the land question was the cause of the trouble. As in England so in Ireland the occupation of land was founded upon contract rather than upon tenure. But whereas this principle had operated successfully in England, in Ireland it had led to serious hardship and to grave social and political discontent. This was so because of the unhappy relations between landlord and tenant in that country. For one thing the Irish landlord differed from his tenant in the matter of religion. Again, the landlord sank but little capital in the soil, and was very often an absentee. Further, the tenant held his land on short leases and had no legal right to compensation for improving his holding. Finally, the idea of 'contract' was an alien idea in Ireland, where it was thought that the tenant had some interest in the soil along with the owner of the land. To add to the volume of discontent there was considerable economic distress in Ireland. Since 1860 wages had been stationary, and to aggravate matters thousands of acres of land had been converted from arable to pasture, with the result that very many had been thrown on poor relief.

An open-minded review of the facts, then, had convinced the Government that before matters could be remedied the relationship between landlord and tenant

[1] Lecky, *Democracy and Liberty*, vol. i, p. 165.

would have to be controlled by law. In answer to the objection that this would interfere with the right to free contract Mr. Gladstone pointed out that contract between two parties was really free only when those parties were equal in strength. But in Ireland the owner of the land was immeasurably stronger than the tenant. For one thing, Ireland was almost entirely an agricultural country and hence there was an inevitable scarcity of land there. This natural scarcity had been accentuated by the large-scale conversion of arable land to pasture. Land was thus a monopoly and the Irish landlord a monopolist. He could evict his tenants with impunity, in the knowledge that there were plenty to rent the empty holdings.

What had to be done, therefore, was to give the tenant some security of tenure, and many schemes had been put forward to provide that security. Some had suggested fixity of tenure, others stability of tenure, and others again security of tenure. All these schemes were based upon the same fundamental principle, all '. . . express the idea of a tenure which would enable a man to pursue his industry without fear of loss from any change that may happen to him on the part of the landlord'.[1]

In making its choice between these proposals the Government had decided against 'perpetuity of tenure' on the ground that it would mean expropriating the landlord, to whom compensation would naturally have to be paid for his loss. Moreover, such a scheme would reduce the landlord to the position of a mere rent-charger, and would thus exempt him from the duty of fulfilling his social obligations. Finally, a scheme for perpetuity of tenure would involve the State in the purchase of the land. This, argued Mr. Gladstone, would be justified only if such expenditure of the public funds redounded to the benefit of the nation

[1] Hansard, vol. 199, 3rd ser., p. 350.

as a whole. But state purchase in this case, even though it would mean creating a larger property-owning class, would certainly not benefit the whole community.

Therefore the Government was prepared only to establish a scale of damages for eviction. But so anxious was it not to interfere with 'free contract' that certain classes of tenants were to be exempt from its operation. Thus tenants with a yearly holding of £50 might 'contract out' of the scheme, provided, however, that they could persuade the landlord to grant them a lease for a minimum period of twenty years, and provided, also, that the landlord undertook to execute such improvements as were necessary to ensure efficiency. Again, the large tenants whose yearly rental was £100 and over might 'contract out' of the Bill without any reservations whatever. The Government believed that the large tenant was free and therefore well able to look after his own interests; whereas the small tenant, owing to his weakness, needed protection.

'Compensation for eviction', then, was the essence of the Bill of 1870. The remainder of Mr. Gladstone's speech in introducing the measure was devoted to discussing its details. The Bill laid down a scale of damages to be paid. When claims were made, the judge would be asked to have regard both to the value of improvements made by the tenant and the loss which he was about to sustain by being evicted. On the other hand, no claim for compensation would be sustained in court if the tenant was evicted because of refusal to pay a 'fair rent'; while finally, any landlord would be given the right to exempt his land from the operation of any custom with the exception of the Ulster Custom, but on such conditions as would make the concession practically valueless. For one thing, he would have to grant a lease of thirty-one years; for another, at the end of this period the tenant would have a right to com-

pensation in respect of tillage manures, of permanent buildings erected by him, and of any land which had been reclaimed by him.

In view of its easy passage through the House of Commons one is not surprised to find that there was but little effective criticism of the Bill in the debates. Members who supported the Government had little or nothing to add to the case already presented by their leader. Those who attacked the Bill made the obvious point that it offended against the principle of free contract; also that it robbed the landlord of his property by compelling him to pay compensation for eviction. Again, there were those who complained that the Government had not gone far enough. They argued that the scale of damages for eviction was so low as to be ineffective in practice. Others alleged that the Bill drew an unfair distinction between Ulster and the rest of Ireland. The tenant in the north of Ireland was guaranteed perfect security under its terms; for the south it merely held out the prospect of endless litigation.

Only a few years were needed to prove the contention of members who criticized the Government on the score that the Bill of 1870 was inadequate. Discontent and unrest still prevailed in Ireland. Coercion Bills were passed, but these did nothing to allay the unrest. Commissions were appointed by the Government to report on the cause of the trouble. The Commission of which Lord Bessborough was chairman reported 'in favour not only of fair rents to be settled by a tribunal, but of fixity of tenure or the right of the tenant to remain in his holding if he paid his rent, and of free sale; that is, his right to part with his interest.'[1] The Government accepted this famous programme of the three F's and embodied it in the Irish Land Act of 1881.

Mr. Gladstone, in introducing the Bill, claimed some

[1] Morley's *Gladstone*, vol. ii, pp. 220–1.

degree of success for the previous Act. The scale of damages laid down in 1870 had, to a considerable extent, checked evictions; but so weak was the Irish tenant that the Government felt constrained to set up a court charged with the duty of fixing the rent which he had to pay. It was therefore proposed that all leases should be judicial leases fixed for a period of fifteen years during which it would be illegal for the landlord to evict, except for breach of certain specified covenants, or for a refusal to pay rent. Again, if the tenant was faced with a request for an increase in rent which he agreed to pay, the 'statutory period' would be deemed to have begun, and the rent could not thereafter be raised during the ensuing fifteen years. If, on the other hand, the tenant refused to accede to the landlord's request, the Bill gave the former the right to do one of three things. He could sell his 'tenant right', and thus claim from the landlord a sum of money considerably in excess of the extra rent which he was asked to pay; he could fall back upon his right to compensation for disturbance and improvement under the Act of 1870; or, finally, he could go to court with the request that his rent be fixed and thus obtain the 'statutory term' of fifteen years. Mr. Gladstone admitted that these provisions violated the principle of 'free contract', but was of opinion that this was both necessary and inevitable in Ireland.

As Lord Morley has pointed out, the Irish question was hotly debated.

'The House of Commons sat 154 days and for 1400 hours; some 240 of these hours were after midnight. Only three times since the Reform bill had the House sat for more days; only once, in 1847, had the total number of hours been exceeded and that only by seven, and never before had the House sat so many hours after midnight.'[1]

[1] *Life of Gladstone*, vol. ii, p. 222.

The Land Bill alone took up 58 sittings in comparison with 25 days devoted to the discussion of the Land Bill of 1870. From this it will be gathered that the measure was strenuously opposed both by the Irish Members and by the Conservative Opposition.

The objections levelled against the Bill by Parnell and the Land League can be dismissed in a few words. The Government was charged with lack of vision in dealing with the Irish problem. In 1870 some kind of joint ownership in the soil had been established, but this device had failed to protect the tenant's interests. There was compensation for disturbance which could be shown to amount to only £27 per person evicted; and this sum, small though it was, could only be got after expensive litigation. But, as though in defiance of the clear lessons taught by experience, the Government had again produced a Bill which was identical in scope and character with the Act of 1870. There was no need to labour its inadequacy. The root of the trouble in Ireland was the high rent charged for land, but on the Prime Minister's own showing the Bill would do nothing to reduce the rents.

The Government's intention had been, and still was, to establish a partnership in the land between landlord and tenant, forgetting that there could be no partnership between idleness and industry. Irish land was what the tenant had made it. Improvements were due entirely to the tenant's energy and enterprise. The Irish landlord was a parasite who had mismanaged the country and squandered its resources. The attempt to reconcile the interests of landlord and tenant in Ireland must be abandoned. The rack-renting and absentee landlord would have to be eliminated, if necessary by expropriation with compensation according to a fixed scale. Further, land commissioners ought to be empowered to buy up improvable land

which should be divided into small plots upon which labourers could be settled. These should be directly under the commissioners and free of both landlord and farmer alike.

The policy of the Irish members and the Land League clearly opened up endless vistas of State interference with property. It was not likely to appeal to men who still thought of themselves as the appointed guardians of property rights. This supposition is amply confirmed by a reading of the speeches delivered by members of the Opposition.

The Bill was attacked on the ground that its provisions violated the laws of political economy; it rested, in principle, upon the denial of free contract, and in practice it sought to extend the right of the State to interfere with property. Moreover, it would rob the landlord of his property without so much as offering him compensation for his loss. In fixing a 'fair rent' the proposed court would have to take two things into consideration. In the first place, it would have to consider the rent which a solvent tenant would be able to pay for the holding. Secondly, it would be asked to bear in mind the value of the tenant right. Hypothetical instances were given in the course of the debate to show that when the annual value of the tenant right, or his right to compensation, was deducted from the rent of the holding the landlord would be deprived of between one- and two-thirds of his property.

Again, it was particularly stressed that this act of spoliation was directed against those who were not only the upholders of law and order in Ireland, but who were also the firmest friends of the connexion between England and Ireland. This was sheer ingratitude on the part of the Imperial Government, which, flirting with communism, sought to expropriate the few for the benefit of the many.

It would have been far better and more honest openly to expropriate the landlords, paying them compensation for their loss.

It was also contended that the Government was entirely wrong in its diagnosis of the causes of the trouble in Ireland. Its proposals were put forward in the belief that misery and disorder in that unhappy country were due to insecurity of tenure, whereas in reality they were the results of bad climate, uncertain crops, and overcrowding. The truth was that the holdings in Ireland were too small to afford sustenance to the large families living on them. The country was over-populated, and emigration to the colonies, where there was good and fertile land, was the only solution to the difficulties which faced a distracted and troubled country.

Lastly, the Opposition claimed that the Government was being faced with an issue the gravity of which it had apparently failed to comprehend. The experience of England in her dealings with Ireland had shown that concessions would not curb the unruly, intractable temper of the Irish. Time and again attempts had been made to pacify the country, but to no purpose. If the Irish tenants were pampered to-day, to-morrow there would begin a fresh agitation on behalf of the farm labourers. The goal was nothing short of Home Rule and the disintegration of the Empire. And this attack upon property was only a beginning. Soon fine distinctions between property in land and property in capital would be swept away. The principle of the right to confiscate property was a principle which would not easily be forgotten; indeed 'our Brummagem Girondists were calling into play forces which they would afterwards find themselves powerless to control'.[1]

A House of property-owners was thus quick to rally to

[1] Hansard, vol. 260, 3rd ser., p. 1336.

the defence of property interests. The entire debate, so far as the Conservative Opposition was concerned, turned upon the question of the rights of private property and the extent to which the State was entitled to interfere with them. In brief, the most vehement protests made against the Bill of 1881 were made on the ground that it rejected the theory that a man had a right to do what he liked with his own.

One final question remains to be answered. Why was it that the Bill of 1881 encountered such criticism and opposition, while that of 1870 escaped so lightly? The answer undoubtedly lies, as Professor Dicey seems to suggest, in the fact that the later Bill was of a more advanced type of collectivist legislation than the earlier one. He maintains that the two Bills mark two distinct stages in the development of Collectivism:

'The difference between these two stages is well illustrated by the case of a lease made by a landlord to a tenant farmer. As the law originally stood the tenant had no right to compensation for improvements made by him during his tenancy, unless he was entitled thereto by an express term in his lease. This was felt to be a hardship. Parliament, therefore, enacted that it should be an implied term of every lease, unless the contrary were expressly stated therein, that the tenant should receive compensation for improvements. So far there was no interference with the contractual freedom either of the landlord or the tenant, for it was open to the parties by an express term of the lease to exclude the tenant's right to compensation. It was found, however, that, upon this change in the law, the tenant's right was habitually excluded by the terms of the lease, and that he did not therefore receive the benefit which the legislature hoped to confer upon him. The next step was for Parliament absolutely to prohibit the bargaining away of his right by the tenant.'[1]

[1] *Law and Opinion in England*, pp. 265–6.

The House of Commons in 1870 was prepared, without much cavil and criticism, to accept a policy of 'mild' interference with the 'rights of private property'; judging by the opposition to the Bill of 1881, the intervening period of eleven years was not sufficiently long to make a more thorough-going curtailment of that right entirely acceptable to the House.

5

Our task in this section is to examine the behaviour of the economic and functional interests in the House of Commons in the divisions upon the measures already discussed. It has already been pointed out that Mr. Forster's Education Bill of 1870 was not pressed to a division on either the second or the third reading, but that a series of amendments to it were proposed at the Committee stage. The voting on these will now be analysed.

The first was an amendment proposed by Mr. Henry Richard, the Member for Merthyr Tydfil, to the effect that 'the Grants to existing denominational schools should not be increased; and that, in any national system of elementary education, the attendance should be everywhere compulsory, and the religious instruction should be supplied by voluntary effort and not out of Public Funds'.[1] The second amendment stood in the name of Sir Stafford Northcote, and was designed to ensure that the teaching of the catechism should not be proscribed in schools. The third stood in the name of Sir John Pakington, its purpose being to make compulsory the daily reading of scriptures in schools. Mr. Jacob Bright sponsored the fourth amendment, which proposed that no religious teaching should be directed either for or against the teachings of any religious denomination. The fifth amendment, designed to secure

[1] Hansard, vol. 202, 3rd ser., p. 518.

universal as distinct from permissive compulsion, was proposed by Mr. Mundella; the sixth, which would make the formation of School Boards compulsory, stood in the name of Mr. Walters.

These six amendments fall into two groups, unequal in size. The first, fourth, fifth, and sixth were proposed in the Nonconformist interest by thorough-going critics of the existing voluntary system of education. Similarly, the second and third amendments stand together, seeing that their intention was to retain the influence of the Anglican Church over education. Taken together these two groups bring to the arbitrament of the vote the main cleavage of opinion on educational policy in 1870. The proposers of the first group of amendments favoured a secular and national system of education; the proposers of the second group would urge that the Bill brushed aside with too little consideration the denominational and voluntary system.

The proposals of neither group commended themselves to the House. The Government successfully resisted all six amendments. The voting on the four which constitute the first group was as follows: Mr. Henry Richard's amendment was lost by 361 votes; 60 members only voting in favour. Mr. Jacob Bright's amendment was lost by 121 votes; 130 members voting in favour. Mr. Mundella's amendment was rejected by a majority of 130; 92 votes only being cast in its favour; while 303 voted against Mr. Walters's proposal as compared with 112 for it, giving the Government a majority of 191. The two amendments which make up the second group met with no better fortune. The one, standing in the name of Sir Stafford Northcote, was rejected by a majority of 157, 95 votes only being cast in its favour; the other, proposed by Sir John Pakington, was rejected quite as decisively by a majority of 169, a mere 81 voting in favour.

Analysis of the character of the groups favourable to these amendments gives the following results.

The first Table gives an analysis of the groups which voted in favour of the four amendments designed to secure a national and secular system of education.

	Number voting— 60	*Number voting— 130*	*Number voting— 92*	*Number voting— 112*
Landholding . .	19%	17%	13%	16%
Services . . .	6%	4%	4%	5%
Commerce and industry	58%	61%	65%	62%

The next Table gives an analysis of the groups which voted in favour of preserving the denominational and voluntary character of the schools.

	Number voting—95	*Number voting—81*
Landholding . . .	40%	39%
Services . . .	12%	15%
Commerce and industry .	38%	39%

An examination of these Tables enables certain definite conclusions to be drawn. It is quite clear that the old alliance between the landed interest and Anglicanism still held good, while Nonconformity continued to draw its strength from the ranks of the industrial and commercial classes. As might be expected the 'Services', as ever, moved in sympathy with landholding.

The other two measures designed to equalize advantages between members of the community, the Employers' Liability Bill of 1880 and the Workmen's Compensation Bill of 1897, were not subjected to a frontal attack on the part of the Opposition. Motions for the rejection of the Bills were not proposed in either case. But what was tantamount to a motion for rejection was pressed to a division in

1880, when it was proposed to refer the Bill to a Select Committee. This was lost by a majority of 129 votes—130 being cast in favour as compared with 259 against.

An analysis of this division shows that the group of 130 contained 39 per cent. landholding interest and 49 per cent. commercial and industrial interests. The group of 259 which supported the Government was made up of 16 per cent. land interest as compared with 57 per cent. commercial and industrial interests.

The broad conclusion which emerges from this analysis is that this division followed 'party' rather than 'economic' lines. The Conservative landlords cast their votes against the Government, apparently forgetting their traditional roles as champions of the industrial masses against their masters. It is also clear that the industrial and commercial interests were broadly loyal to 'party'. On the other hand, an analysis of the behaviour of the different interests within this latter category showed that the ties of party loyalty were not as compelling with some economic interests as with others. Thus, while the number of textile interests voting for the Government can be explained as a party vote, and while both engineering and transport interests respected party loyalty, five colliery-proprietors voted for the motion, and that in spite of the fact that this group was only three strong in the Conservative and Liberal–Conservative parties returned at the polls in 1880. Likewise, it might be worth while calling attention to the fact that the transport interest, although its behaviour in the lobbies can be accounted for on party grounds, exhibited (within party) greater solidarity for the motion than for the Government. Seven 'transport' votes were cast against the motion out of a possible seven interests belonging to the Conservative party, whereas out of a group of fifteen of the interests belonging to the Liberal party, ten only

voted for the Government. Hence, although the division was, in the main, a 'party' division, we get at least a hint of cleavage along functional lines.

Three important amendments to the Workmen's Compensation Bill of 1897 were proposed in Committee. They were all designed to extend rather than restrict the scope of the measure; all three were resisted by the Government when pressed to a division. The first, moved by Mr. H. J. Tennant, was intended to enable workmen to secure compensation for injury to health. It was resisted on the ground that the financial burden which such a proposal would involve would be too heavy, and that, therefore, it would bring ruin to those industries affected by it. On a vote being taken, the amendment was lost by 89 votes, 233 voting for the Government and 144 against. The second amendment, moved by Mr. Robert Ascroft, sought to make null and void any proposal for contracting out of the measure. This was strenuously supported by representatives of the working class, prominent among whom was John Burns. But when put to the vote the motion was lost by a majority of 73, 97 members voting in favour of the amendment and 170 against it. Finally, there was the amendment which stood in the name of Mr. Goulding, which was designed to extend the provisions of the Bill to agriculture. He maintained that with the mechanization of agriculture the risks of accidents were increasing, and, further, that the cost of insurance against these risks was trifling. Thus a farmer who paid £1,000 a year in wages would only be burdened to the extent of some £3 or £4 for insurance. The Minister in charge of the Bill, while admitting that the cost was trifling, nevertheless opposed Mr. Goulding on the ground that the Government was loath to add to the already heavy charges borne by the small farmer. When put to the vote this amendment again

was lost by a majority of 52, 175 supporting the Government as compared with 123 against.

The Table below gives an analaysis of these three divisions:

Amendments	*Mr. Tennant's*		*Mr. Ascroft's*		*Mr. Goulding's*	
	For	*Against*	*For*	*Against*	*For*	*Against*
	114	233	97	170	123	175
Landholding .	7%	20%	9%	20%	9%	22%
Services . .	2%	8%	3%	8%	4%	8%
Commerce and industry .	56%	59%	47%	61%	55%	53%

A few remarks may be made on this Table. Members who represented commerce and industry were still more 'progressive' than those representing Land : Commerce and Industry figured more prominently in the groups favouring the amendments than in those against them. More interesting is the fact that the interests which appear in the Table accounted for a smaller percentage of the total in the groups which voted for the amendments than in those voting against. This clearly was true of all three. In the case of the first amendment the Table accounts for 65 per cent. of the interests voting in favour, leaving 35 per cent. unaccounted for. In the case of the second amendment 59 per cent. of the interests in favour are accounted for, leaving 41 per cent. still to be explained; while only 68 per cent. of the interests voting in favour of the third amendment are given in the Table, leaving 32 per cent. still to be accounted for. This broad result may be compared with that obtained by a similar analysis of the interests voting against the amendments. The Table accounts for 87 per cent. of these interests in the case of the first amendment, 89 per cent. in the second, and 83 per cent. in the third.

These interests which do not appear in the Table were 'professional' interests, which in the main were represented by journalists, doctors of medicine, and of course by lawyers. The 'professions', naturally, would in no way be affected by any of the three amendments proposed, and it is significant that they accounted for such a large percentage of the interests voting in favour. The champions of the working class were now, to an increasing extent recruited not, as formerly, from the landowning class, but from the ranks of the professional classes who had nothing to lose from measures designed to better the working man's lot.

In connexion with the Liberal Trade Union Bill of 1871 two amendments call for analysis. These, fortunately, supplement each other in the sense that, while the one was designed to enhance the power of the unions, the other was intended to narrow the scope of the Bill. The first was proposed in Committee by Mr. Anderson, who sought to persuade the Government not to make a crime of 'persistently following' a man who worked in time of strike. The second, by Mr. Potter, was designed to make one individual acting alone liable to be charged with the crime of 'picketing'. Both amendments were resisted by the Government and rejected by the Committee, the first by a majority of 131, 152 voting against as compared with 21 in favour; the second by a majority of 47, 104 voting for the Government and 57 against.

The following Table gives an analysis of the economic character of the group of 152 members who resisted the amendment which sought to make the measure more

	152	104
Landholding . . .	21%	18%
Commerce and industry .	57%	57%

favourable to the unions, and of the group of 104 which voted against the proposal further to restrict union activities.

There are certain points of interest about this Table. Considering first the opposition to Mr. Anderson's amendment, it is clear that the group of 152 drew its strength mostly from the commercial and industrial interests sitting in the House. Land played a comparatively insignificant part. Detailed analysis of the actual votes cast will perhaps serve to emphasize this second point. At the election held in 1868, 416 landowners were returned to sit in Parliament; in 1871 only 67 landowners voted for the rejection of this amendment.

The composition of the industrial and commercial group of interests was next examined and the following interesting result was obtained. It was found that the heavy industries, consisting of the representatives of the coal, metals, and engineering interests, strongly supported the Government. In 1868 13 coal, 25 metal, and 13 engineering interests were returned to the House. In the division under review 9 of the 13 coal interests, 15 of the 25 metal interests, and 12 of the 13 engineering interests resisted Mr. Anderson's amendment. On the other hand, the 'transport' group was much less solid—35 railway, 4 shipping, and 5 transport company interests went to the Government lobby. At the election held in 1868, 127 railway, 20 shipping, and 16 transport company interests were returned to the House of Commons. This contrast between the behaviour of the heavy industries group and the transport group is so pronounced as to be hardly explicable as a mere accident. While one is at a loss fully to explain such conduct, the following facts may perhaps be suggestive. Trade unionism on the railways was not established until the year 1872, when the Amalgamated Society of Railway Servants was

formed, and it was only in 1879 that the 'North of England Sailors and Seagoing Firemen's Friendly Association' was formed as a first attempt to establish effective unionism among seamen. It will be noticed, therefore, that the transport industry in 1871 had not, as yet, been brought face to face with the problems of trade unionism. Quite the reverse is, of course, true of the heavy industries. The famous New Model Union—The Amalgamated Society of Engineers—had been formed as early as 1850. True, the Miners' Federation of Great Britain was not formed until 1888. Still, long before that time local miners' unions had fought many a bitter battle, and had joined forces to form local associations to gain greater strength. In short, by 1871, turbulence, combined action on the part of the men, and strikes were a commonplace in the mining industry. Similarly, workers in the iron and steel trades were well organized prior to 1871, the first durable society being founded in 1863, and five years later, in 1868, the 'Amalgamated Ironworkers' Association' was formed on a national basis.

While then it is undeniable that the main resistance to the amendment came from the representatives of commerce and industry, it would seem that the intensity of the call upon their loyalty varied directly with the urgency of the threat to the interests which they represented. This hypothesis seems to be supported by the behaviour of the merchant and finance groups. Trade unions did not directly threaten the interests of either the merchants or the owners of impersonal property. One hundred and seventy-three representatives of the finance interests were returned to the House in 1868 along with 76 merchants. Only 54 of the former and 20 of the latter went into the Government lobby against the amendment.

Similar conduct is noticed when the second amendment was put to the vote. It is surely significant that only one

coal-owner voted with the Government, while 9 favoured an amendment, the purpose of which was to curtail the activities of the unions. Again, 4 engineering representatives voted for the amendment as compared with 3 against. The metal interests, however, behaved differently—6 for the amendment and 10 against. Transport favoured the Bill as it stood; so did finance and merchant interests.

Like the Liberal Bill of 1871, the 'Conspiracy and Protection of Property Bill' introduced by the Conservative Government in 1875 was not challenged in principle. But, again as in the case of the Liberal Bill, amendments to it were pressed in Committee. It is now proposed to examine the voting on two of these. Both were designed to amend the Bill in favour of the trade unions. The first was proposed by Mr. Lowe, who sought to remove the invidious distinction drawn by the Bill between the working man engaged in public utility services and his employer. As the Bill stood, he complained, if a working man engaged in either a water or gas undertaking broke his contract he would become liable to prosecution under the Criminal Law. On the other hand, if the employer broke his contract he was not held liable. Mr. Lowe therefore proposed to equalize matters in this respect as between master and servant. The amendment on being put to the vote was rejected by a majority of 19, 127 voting against and 108 in favour.

The second amendment was proposed by Mr. Hopwood, who sought to mitigate the severity of the Bill by restricting the meaning of the word 'violence' to violence offered to the person to be coerced or to his property. Violence, as defined in the original clause, meant violence offered to any person whatsoever, or to any property. On being put to the vote this amendment again was rejected by a majority of 113, 225 going into the Government lobby and 112 voting in favour of the amendment.

The following Table gives an analysis of the economic character of these four groups:

Amendments	*Mr. Lowe's*		*Mr. Hopwood's*	
	For	*Against*	*For*	*Against*
	108	127	112	225
Landholding . . .	15%	24%	17%	34%
Commerce and industry .	65%	49%	60%	43%

While it is true that the representatives of industry and commerce accounted for a larger percentage of the interest groups in favour of these amendments than against them, still, clearly, the broad conclusion which can be deduced from this Table is that the division was in the main a party division. Trade unionism, it is obvious, did not find favour with the landed interests, and what weighed most with them was party loyalty. Further, it has also to be borne in mind that the Bill was introduced by a Conservative Government, and that party discipline was now strict enough to prevent any serious defection on the part of interests owing an allegiance to the Conservative party in the House.

Another point of interest about these divisions is that the professions show no pronounced tendency to favour either the Government or the Opposition. Thus the professions accounted for 27 per cent. of the group voting against the first amendment, and 20 per cent. of the group voting in favour. Similarly, they accounted for 29 per cent. of the group voting against the second amendment as compared with 23 per cent. of the group voting in its favour.

On the other hand, even if our analyses would seem to suggest that these divisions were, in the main, party divisions, examination and comparison serve to show that, within the limits of party, the commercial and industrial interests exhibited a greater solidarity in opposition to the

amendments than they did in support of them. Taking Mr. Lowe's amendment as our example we find that, out of a total of 237 business interests returned to the House of Commons as belonging to the Conservative party (i.e. Conservative plus Liberal-Conservative) at the general election of 1874, 134, or roughly 57 per cent., went into the Government lobby. On the other hand, the Liberal and Radical parties elected in 1874 contained 317 of these interests, of which 149, or 47 per cent., gave their support to the amendment.

Further analysis merely serves to stress the same fact. Thus the textile industry polled its full party strength against the amendment, while only 7 out of a possible party 22 (Liberals and Radicals) voted in favour. Likewise shipping and transport behaved in a similar manner; 13 out of a party group of 16 went to the Government lobby, while only 12 out of a possible 28 were in favour. Finally, the results obtained from an examination of the merchant interest brings further confirmation—16 out of a possible party 21 supported the Government, while only 23 out of a possible party 56 went into the Opposition lobby. Thus on still another occasion the lesson that no adequate knowledge of the character of representative institutions can be gained without reference to their economic background is enforced.

Unlike the measures already examined the two Irish Land Bills which challenged the principle of 'free contract' were both pressed to a division on the second reading, while a division was also taken on the third reading of the Bill of 1881. The Bill of 1870 passed the second reading with an overwhelming majority of 431, only 11 voting against it. Clearly, owing to disparity in size, a comparison of the two groups is valueless. However, the size of the numerical group which supported the Govern-

ment is large enough to make possible a comparison between the number of interests which it contained and the total number of interests returned to the House of Commons elected in 1868. It is hardly necessary to remind ourselves that the property with which it was proposed to interfere was property in land, and it is interesting therefore to discover that out of the 416 landholders in the House only 266, or 64 per cent., voted in favour of the Bill. On the other hand, it has to be pointed out that this was 69 more than the number of landowners returned as Liberals, and 47 more than the number returned as Conservatives. Nevertheless, the fact must remain that only 58 more than half the total number in the House were in favour of the Bill.

The commercial and industrial interests, on the other hand, behaved very differently. The heavy industries polled their entire strength in the House in favour of the measure. The transport services polled 87 per cent. of their strength, the merchants 78 per cent., finance 86 per cent., and all were for the Bill. Finally, the professions supported these interests to the extent of 83 per cent. of their numbers in the House. The landowners, rather than betray their own interests, abstained from voting in 1870.

The meaning of the two divisions which were taken on the second and third readings of the Bill introduced in 1881 is best grasped by a comparison of the economic composition of the group of 220 voting in favour on the third reading with that of the group of 176 voting against on the second. These two groups are near enough in size to make such a comparison possible.

Upon examination it was discovered that whereas the former contained 79 landowners, the latter and smaller group contained 133. Again, less than half the entire body of landowners returned as Liberals (excluding Radicals) at

the 1880 election figured in this group of 220, while all but 25 of the 158 Conservative landowners (excluding Liberal-Conservatives) returned voted against the Bill.

The behaviour of the industrial and commercial interests in the House showed that these inclined strongly in favour of the measure. The group of 220 members contained 251 business interests while the group of 176 contained only 152. Further, on examination it was found that 77 of the latter were finance interests and 37 railway interests. In other words, more than half of the interests which voted against the Bill were 'impersonal' property interests, which seems to show that finance companies were finding favour in the eyes of landowners who had surplus capital to invest. Attention has already been called to the fact that for some considerable time landowners had been financially interested in railways.

As a final illustration of this tendency for members of the House to be impelled by their economic interests, it is instructive to compare the percentage composition of the two groups. The landholding interest, then, accounted for 18 per cent. and commercial and industrial interests for 58 per cent. of the total interests in favour of the Bill; as compared with this landholding accounted for 37 per cent. and business for 42 per cent. of the interests voting against on the second reading.

These results, then, again merely confirm our analyses of the other divisions; they go to show that whenever property is threatened there is always the tendency among those who represent that property to rally to its defence.

VI

CONCLUSION

In the foregoing pages a new approach to the study of one of the most important of British political institutions has been suggested. Has that approach any value? Do the analyses given add anything to our knowledge of the working and character of the House of Commons? Perhaps a brief summary and recapitulation of our findings will provide the best answer to these questions.

To begin with it has been shown that the House of Commons was, and for that matter still is, an organ reflecting the structure of the economic system. Further, that as that system changed and developed, so did the character of the House change in sympathy. As long as landholding was the greatest economic interest in the country it was also the most important political interest in the House of Commons. With the growth of the 'Great Industry', and as the social structure in Great Britain came to rest more and more upon a basis which was at once urban and industrial rather than rural and 'landed' in character, industrial and commercial interests began to supplant the landholding interest in the Commons. In 1832, for example, 489 landowners sat in Parliament; by 1865 their number had fallen to 436, and at the election of 1874 it was further lessened to 387, while in 1900 only 204 landowners were returned to sit in the House.

During this entire period business interests were being returned in ever increasing numbers. The textile industry had but 15 representatives in 1832, it had 31 in the House elected in 1900. The advent of the coal and iron age was reflected by a still more rapid gain in political influence; in

1832, 12 members represented these interests, in 1900 the heavy industries (coal, metals, and engineering) succeeded in returning 119 members at the polls. The same story can be told of all the other interests. The group representing transport grew from 10 to 54; the merchant interest all but doubled its political influence; while members representing finance, impersonal property, grew in number from 70 to 210 during the period.

Equally interesting and important is the light which the Tables throw upon the nature of the change which took place in the composition of the main parties in the House. Until 1867, although Land was the prevailing interest in both parties, it is clear that, while the Tory-Conservative party was the party of the landowners, the Whig-Liberal party was the party of industry. To it belonged the majority of members possessing industrial and commercial interests. During the years 1867–1900 this clear-cut difference in composition between the parties gradually disappeared. The Conservative party in the House, while still more the party of the landowner than the Liberal party, was nevertheless attracting the industrialists in increasing numbers. With the turn of the century it could no longer be said that the Liberal party was the party of Industry and the Conservative party a party dominated by Land. Industry and land were represented in approximately equal measure in both parties.

It is perhaps not without significance that once there ceased to be a clear-cut economic difference between the parties no radical differences on matters of policy divided them. The student is never at a loss to define Whig-Liberal policy during the years 1832–67. That policy is commemorated in the Statute Book by many supremely important enactments, chief of which are the Great Reform Bill and the Repeal of the Corn Laws; the latter,

carried by a Conservative Prime Minister, won for him such disapproval within his own party as to compel him to resign its leadership. Liberal policy was in short the policy of freeing the individual in all his activities—political, religious, and economic.

But can the programme of the Liberal party be so easily and with confidence differentiated from Conservative policy during the period 1867–1901? It was a Conservative Government that introduced and carried a measure extending the franchise in 1867, nor had the Leader of that Government to resign because of it. True, the Education Act of 1870 was carried by a Liberal Government, but that Act was never challenged *in principle* by the Conservative Opposition. Further, the Liberal party's Trade Union Act of 1871 can be paralleled by the Conspiracy and Protection of Property Act passed in 1875 by a Conservative Government; and again it must be borne in mind that the House was not divided on the principles of either measure. Finally, the Liberal Government's Employers' Liability Act of 1880 encountered but slight opposition in the House; and no Division was forced on the principle involved in the Workmen's Compensation Act of 1897, which was a Conservative measure.

This seems to suggest that clear-cut differences between the policies of political parties are obtained only when those parties represent different economic interests. It is perhaps no accident that once the Liberal party began to lose its character as the party of Commerce and Industry—a party representing interests different from those represented by the Conservative party—it began to lose prestige and ultimately to dwindle. After its defeat at the polls in 1886, except for a brief period in 1892–5, it did not regain office for twenty years. Further, the subsequent history of the party hardly gives warrant for the hope that it will

reassert its influence in British political life in any near future. Are we then justified in drawing the conclusion that the Liberal party has become redundant because there is no need for two parties to represent the same economic interests in the legislature? It is rash for the historian to prophesy. The Liberal party may again be revived; but we have it on the authority of one who has had a lengthy experience of public life that once the fiscal question had been settled there really remained no essential difference in matters of policy between the Liberal and Conservative parties.[1] Presumably this opinion is confirmed by the conclusions which this analysis suggests.

There is one other problem upon which light is thrown by our analyses. It has been shown that the character of legislation bears at any rate some relation to the economic interests of the legislators. The general drift of the debates goes to show that men of property tend to regard all proposals for legislation in the light of their effect upon property. A perusal of the discussion on the Reform Bill of 1832 shows that the Opposition objected to this measure on the ground that it would lessen the political influence of Land in the House, and would transfer that influence to Commerce and Industry, thereby giving the industrialist and merchant more than a fair share of political power. It will be noticed that no suggestion was made that political influence should be denied to business interests. On the contrary it was admitted that the House of Commons ought to be the repository of all interests within the State. This, indeed, was the essence of the theory of representation argued in the debates. The vote should belong not to the individual in his capacity as citizen, but to property. The electorate should consist of

[1] Mr. Winston Churchill in a speech reported in *The Times* for Sept. 9, 1924.

men of property only; the object of a law governing the franchise should be to ensure that property should have its due and proper weight and influence in the counsels of the nation.

This was a theory which was never challenged in the House in 1832. Members who opposed the Bill, as well as the supporters of the Government, signified their acceptance of it. It was the case of the Government that the Bill was intended to equalize matters between different kinds of property by admitting Industry into the privilege of the franchise along with Land; members of the Opposition, on the other hand, claimed that, whatever the intention, as a matter of practice the measure would undermine the power of Land in our system of Government and would tend to transfer that power to the manufacturing and mercantile classes. It was this difference of opinion on the effects of the Bill rather than any deep-seated difference of political doctrine that divided the parties in 1832.

This same theory was also expounded in the debates on the Reform Bill of 1867. Those who spoke for the measure were careful to stress the fact that the Bill would not have the effect of opening the flood-gates of democracy. Nor, it was explained, would it undermine the political influence of the middle classes, that is, of property. These assurances, however, failed to allay the fears of the enemies of reform, who, as in 1832, claimed that the Bill would put the country at the mercy of propertyless men, and that it would destroy the political influence of both Land and Industry. It would, in short, substitute one principle of representation for another; for implicit within it lay the theory that the right to the vote belonged to numbers rather than to property.

It is true that by the year 1884 this view had lost caste and prestige in the House. Yet a perusal of the debates on

Gladstone's Bill shows that it was still held by a minority and was indeed still the main argument advanced against a further extension of the franchise. The measure was one further step towards Adult Suffrage, yet another attempt to disfranchise property. It was in these terms after all that the third Reform Bill was condemned.

The same solicitude for the rights of property is found in the debates on the Bill to repeal the Corn Laws in 1846. It was proposed, so it was alleged by the critics of the Bill, to confiscate part of the property of the tithe-owner; to undermine, indeed to destroy, the political influence of Land, and to enhance the political power of Industry at the expense of landholding. These charges were strongly rebutted by members supporting the Government. They were at great pains to stress that it was neither the Government's intention nor its desire to weaken the landed interest, and heartily agreed that Land was the safest foundation for any political system. The Bill would not be detrimental to farming, for, as was pointed out, the loss which the landowner would sustain from abolishing the tariff could be more than recovered by making the agricultural industry more efficient. All agreed, then, that the interests of property should be respected, and that the utmost consideration should be given to them.

Instances of the same tender regard for private possession can be multiplied. Factory Acts were fought because it was feared that they would harm industry, that is, infringe the rights of the owners of industrial property; also, which is most interesting and significant, because laws limiting hours of labour refused the labourer the absolute right to dispose of his 'property' as he saw fit. That property, it was explained, was the worker's labour. Clearly the most telling argument of all against the Factory Acts was an argument grounded upon property rights. Or

again, consider Mr. Gladstone's Irish Land Legislation. The Land Bills were criticized and resisted on the ground that they robbed the landlord of his property; they were defended on the ground that they safeguarded the property of the occupier. Similarly, members who opposed both the Employers' Liability Act and the Workmen's Compensation Act showed the most scrupulous regard for the interests of the employers' property. Even the case for elementary education was argued in terms of property. A higher intelligence in the working class would enable British industry to compete with better success against its foreign rivals. Apparently the moral right of all, irrespective of class or creed, to education was not recognized by members of the House of Commons. The problem was never considered from the ethical standpoint that it was the State's duty to improve and educate its citizens. Property, and not man, was the greatest political interest.

It is then, clear, from a perusal of the debates, that all these important measures were examined in the light of their probable effect upon property. Likewise the behaviour of economic groups in the lobbies serves to show that what largely explained the composition of the groups opposed to each other was the clash, either real or imagined, between different kinds of property interests, or between the claims of property and the claims of the individual to a fuller life. During the first half of the period, the issue was joined between members representing the landholding interest on the one side and members representing the interests of Industry and Commerce on the other. The struggle was reproduced in the House on every division taken on important measures. The Bill designed to reform municipal government in 1835 was interpreted by the landholding interest as a measure calculated to lessen its

own political influence, and for that reason the interest voted for its rejection. In favour of the Bill, and therefore opposed to Land, were those who represented Industry and Commerce. The Bills repealing the Corn and Navigation Laws were supported by Commerce and resisted by Land on the ground that a change from the fiscal policy of protection to a policy of free trade was supposed to be advantageous to the one and injurious to the other. In divisions on these measures, be it noticed, party loyalty was abandoned. Seemingly, where vital interests were at stake, party ties were loosened. Landholding was quick to seize its opportunity for revenge when Bills dealing with factory conditions came before Parliament. Indeed, the landed interest gave the factory movement its unstinted support, and the Bill of 1847 became law thanks to the loyalty with which the cause of the factory-worker was supported by the landowner.

On the other hand, it has to be pointed out that when the House was called upon to deal with a problem affecting the interests of landed and industrial property alike, there was remarkable unanimity of opinion among its members. The Poor Law Reform Bill of 1834 is a case in point. The object of the Bill was to protect and secure property from what was, in many cases, an outrageous tax levied upon it by a vicious and often mismanaged system of public charity. The fact is that the Bill was never challenged to a division in the House of Commons. It can almost be said to have passed with acclamation from both sides of the House. Then there was the General Enclosure Bill of 1845, which also favoured the property-owner. This can be said to have escaped serious criticism altogether in the House, so convinced were members that it was a step in the right direction.

During the second period under review, 1867 to 1901,

the same cleavage between the economic groupings is observed. On the other hand, it ought to be pointed out that the antagonism between them was not as sharply defined as during the earlier period. This, it may be suggested, was in part due to the fact that there was ceasing to be a difference between the economic composition of the two main parties in the House. Nevertheless, as the analyses have tended to show, economic interests, as during the earlier period, were still concerned with defending themselves in the legislature.

Industry and Commerce voted solidly for the Irish Land Act of 1881 which was doggedly opposed by Landholding. Amendments moved with the object of making the Trade Union Act of 1871 and the Conspiracy and Protection of Property Act of 1875 more favourable to the working class encountered more opposition from Industry than from Land. Similarly, over the Education Bill of 1870, the Nonconformists were well supported by Industry while Land supported the cause of the Anglican Church. Nevertheless, it has to be pointed out that on the occasion of the divisions taken on the Employers' Liability and Workmen's Compensation Acts but little tendency to forsake party could be detected among the interests.

Finally, just as during the earlier period instances can be given of the way in which both groups of interests co-operated to resist proposals which they regarded as being detrimental to themselves, so during this second period similar behaviour on their part can be observed. Attention might be called to an interesting and instructive example of such co-operation. In 1867, on the occasion of the debate upon Disraeli's Reform Bill, Mr. Gladstone proposed an amendment to abolish the distinction drawn by the Bill between 'compound' and 'non-compound' householders. Had the amendment been accepted the basis of

the franchise would have been broadened. It was, however, resisted by the Government, which was supported by both Land and Industry to such purpose that the amendment was lost. It is surely significant that on this occasion more landholders voted for the Government than were returned to the House as Conservatives. Similarly, some industrial interests, Liberal in party, went into the Government lobby on this occasion.

Now the Reform Bill of 1867, by extending the franchise to the urban worker, challenged the political influence of the employer in the boroughs. It is well known that by 1867 there was general agreement in the House of Commons that some measure of electoral reform was desirable. Nevertheless, one is not surprised to discover that Land, traditionally suspicious of a wide franchise, was opposed to an amendment designed to add to the list of voters. Industry, on the other hand, had always championed the cause of parliamentary reform, yet on this occasion, when its political influence was being threatened, it did not hesitate to forsake loyalty to party in voting with the Government.

The behaviour of the interests in 1867 may be compared with their behaviour in 1884. If the Reform Act of 1867 threatened the political influence of the employer and shopkeeper in the boroughs, the Bill of 1884 threatened the influence of the landlord in the counties. It is, therefore, not surprising to find Land voting solidly against the Bill in the division taken on the second reading; but Industry, having nothing to fear from the measure, gave the Government its loyal support. True, the number of industrial interests voting for the measure in the division can be accounted for on party grounds, yet it is significant that almost every business interest found in the Liberal party in 1884 voted for the Government.

It can therefore be fairly clearly established that consideration for the interest of the property which they represent has weighed with members returned to the House of Commons. This is not to say, of course, that a member's conduct can be explained entirely in terms of his economic interests. He belongs to a political party and allegiance to that party must count for something with him. Nevertheless, it is also clear that the working and character of one of the most important of British political institutions cannot adequately be explored without a knowledge of the economic background of its members. It is not denied that a landowner, coalowner, or shipowner is capable of representing those who elect him. But our analyses of the political theory and conduct of members of Parliament go to show that when men with economic interests are returned to the House of Commons, there is always the tendency among them to consider those interests as of paramount importance, and to think that land, industry, and trade are the greatest political interests.

Is it not, indeed, partly for this reason that men's belief in the adequacy of political democracy is on the wane? There was hardly the same enthusiasm in the country for the Representation of the People Act of 1918 as there was for the Great Reform Bill of 1832. And there certainly was not in 1918 the same pathetic faith as in 1832 in the efficacy of parliamentary reform to solve the 'social problem'. Men have ceased to believe in the vote as a universal patent medicine. Seemingly we have been taught by experience that we cannot solve all our problems merely by passing an Adult Suffrage Act. This is not to argue the case against political democracy, but merely to insist upon the fact that it is not enough. 'One man, One vote', writes Mr. Cole, 'is the cant of a false democracy.' This is but to make vocal a discontent with parliamentary democracy

which has been growing for decades. In our own day and generation the conviction that a full and adequate system of democracy can be secured only when the task of economic readjustment has been successfully undertaken, has taken firm root.

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